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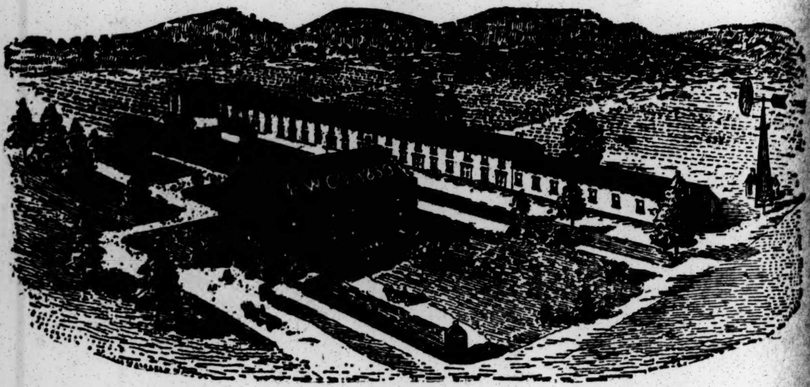

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THE ECCLESIASTICAL REVIEW

VOLUME 109.—NOVEMBER, 1943.—NO. 5.

THE PRIEST IN THE ITALIAN PROBLEM.

EVERY pioneer movement is fraught with misunderstandings and heartaches; with successes and failures. Those who are a part of such movements must have a definite program and line of action, yet also be ready to make changes here and there to meet effectively new conditions as they arise. I write here of such a movement.

For the past thirteen years I have done parochial work among Italians and their American descendants in the United States. I have studied and written about the difficult religious problems to be faced by those who do such work. In other articles published in this REVIEW I have presented the methods of this work, and the results borne of them. The results obtained appear to have justified the methods. Briefly, my plan of action has been to conduct a parish which is composed of Americans of Italian descent in the same general manner as one conducts a well-organized, highly efficient American parish. This means treating, teaching and training these Americans of Italian descent as American Catholics are usually treated, taught and trained in well managed territorial parishes. It includes the continuous effort to absorb completely these people into our American Catholic religious life, with due respect, of course, for the good vestiges of certain pious customs and traditions. These latter, however, are not to be given a disproportionate emphasis; on the contrary, the way should be opened, and encouragement given to the promotion of the pious customs of American Catholics. It is my honest conviction that such a plan makes for a strong and healthy religious life, and helps this particular group of Americans to feel that they are part and parcel of the life of the Church in America, just as they are an integral part of the social and civil life of America itself.

All this I call a pioneer movement, because until comparatively recently, this particular group of Americans has been more or less consigned to strictly Italian parishes, under the direction of Italian pastors using Italian methods of conducting a parish. These good Italian priests, so necessary in the days of heavy immigration from Italy, undoubtedly did fine work, but the gap between them and the people they served was widening and with the successive years it grew wider. This, however, was natural, for the people under their spiritual care were no longer Italians. With few exceptions they had become Americans. There was a time, in the days of heavy immigration from Italy when Italian methods of pastoral work were not only useful but probably even necessary. However, the condition of the Italian generation in America did not remain static. The Italian, as soon as he put foot on our American shores, began gradually, naturally, albeit often unconsciously, to evolve into the American. Within a short time he became an individual totally different from the citizen of the Italian village of his origin. How much more truly can this be said of his children. Meanwhile what of the priests who accompanied these people to America? Were they also caught up in this process of social evolution? Unfortunately for the Church, it must be admitted that in general they were not. Sad to say, they failed to realize that their flock was a transplanted people, placed in a new social environment, learning a new language and adopting new customs. Anyone who would set himself to lead such a people religiously while failing to recognize the importance of such radical changes in their lives, was bound to be left stranded and useless behind a people swiftly moving forward, and to become in time even alien to them. For these were a people who, quickly, as such social changes are measured, became Americans, of Italian descent if you insist, while their priest for the most part remained, " the Italian priest ". So, of necessity, this religious scene had taken a new direction from that which originally faced the immigrant Italian priest in America. Instead of conducting his parish along traditional Italian lines, with a light sprinkling of English sermons and devotions customary in American Catholic churches, to care for the young people in the parish, the time had come to reverse the procedure. English sermons and American Catholic customs should now predominate, with fewer Italian sermons to care for the small and rapidly dwindling group of old people who could not understand English.

I have said that this is a pioneer and necessary movement in the life of the Church in America as it seeks to serve and hold the Italian-American and his numerous descendants, who are now fully American. I have also said that it is a movement which is fraught with misunderstandings. Whence do these misunderstandings arise? From the people of other racial origins? From an infinitesimal minority, yes. These have been the few narrow, bigoted, short-sighted, ultra-nationalistic Americans of non-Italian descent who jealously wanted to keep Americans of Italian descent from actually becoming a part of the American Church. They held out for segregation. Among this group were even found a few priests who, considering these people below par in faith, devotion, and the readiness to contribute to church support, feared that the American of Italian descent, if admitted to the integral life of the American parish, would lower its standards. I know of one pastor with hundreds of families of Italian descent in his parish who would make no pastoral effort in their direction, though they were his spiritual charges the same as all his other parishioners. These people's names were not on the parish mailing lists. They were not called on by the priests during the annual visitation of the parish. They were definitely discouraged from considering themselves as fully recognized parishioners. He was afraid that such a large group if encouraged might come to a position of control, and then " the tail would swing the dog ". He feared his parish would become " Italian ". There is no need to state the immense harm done by such an un-Catholic not to mention un-priestly attitude.

Fortunately, these groups and their pernicious ideas are rapidly disappearing. Priests of non-Italian descent are showing an increasingly enlightened and truly Christian attitude towards this problem.

There have been too, a few " Italian-Americans ", (and I use this term advisedly), who wished to cling to " Italianism ", even in parishes which, though once strictly Italian, had now become with the American evolution of their people, and the birth of successive generations in this country, spiritually, physically, and by a kind of inevitable logic of forces and events, definitely American. This group, I believe, constituted no more than five per cent of the people, and was found principally among the oldest and most intransigeant of the immigrants. Within the last ten years, however, due to many factors, opposition from these people to progress has practically disappeared.

From whom then does any misunderstanding arise at the present time? I would say first of all, from some, (by no means all), Italian priests themselves who are laboring in America. Let us try to analyze the reasons for their opposition. First, let us try to understand something of the character of these priests. They are hard and earnest workers. Their education, though splendid and complete, has been obtained in a land which is foreign to that wherein they labor. Their work has always been exclusively with Italians. Their preaching, (and they are generally very eloquent preachers), has been done in Italian. With the changing times, the new social complexion of the people, the deaths of the old non-English-speaking Italian immigrants, and the rise of the new American generation, is it to be wondered that, with sadness, these good priests saw that they were becoming less effective with the people, and gradually even becomng almost strangers to many of their flock? They saw that soon their places were to be filled by American priests of Italian descent, or even of non-Italian descent. Among them the progressive ones were resigned to this change, even in accord with it, for they realized that the primary consideration of the good priest must always be the welfare of the Church. Others however, unfortunately took a different attitude. To them this new approach to the problem was considered to be a personal attack upon them. Instead of taking steps to adapt themselves and their own pastoral program to new conditions, as their more enlightened brothers were doing, they held fast to their original positions and to their outmoded methods of parochial work. They even went so far as to attack those as " anti-Italian " who were taking a realistic, objective view of the situation and adapting themselves accordingly. They could not understand that new approaches to the so-called Italian problem in America were by no means personal attacks on themselves, nor were they conceived in prejudices against the Italian people and their descendants. They could not see that the new methods were thought out and executed in the very best interests of the people themselves. It was a movement " for " not " against " the people. It was, so to speak, a movement " pro " people, and " pro " American, in the best meaning of the words.

Strictly speaking, the new methods are in reality not new at all. They have been a guide for action for generations among other American Catholics. They are methods suited to the general religious situation of all Catholics in America. How foolish, and even worse, to let ourselves be deceived into reactionary thought and behavior against something that is obviously good for the people. Either we must genereally adopt this new approach to a serious problem, or we face terrific religious losses among a notable proportion of our American Catholics. For example, we can not hold our American Catholics of Italian descent by such things as the usual street processions, conducted in the so-called Italian colonies of American cities. The Catholic of Italian descent in America today looks upon street processions at best with a little amusement, but often with a sense of shame and disgust at the scenes he witnesses. I have never heard of any of these people becoming more devout Catholics because of the processions; but I do know some who have gotten erroneous ideas about the Church through them, and who have been consequently alienated from it.

There is no spiritual profit for the Church in our day-dreaming and telling ourselves that such customs are quaint, or quite harmless at the worst. Chicago, New York, Philadelphia and Boston are not quaint little villages nestling in the Appenine hills. Who will deny that the lay " committees " in charge of the various " feste " served a good, or at least not harmful purpose in the religious life of some little town of Calabria? There, in the quiet country village, the committee members would make the rounds of the homes of the towns-folk to collect money to pay the expenses for the great " festa " which was approaching. Finally, after much preparation, when the longed-for day had arrived, the whole town was ready for a gala celebration. There would be a procession, band-concerts, and fire-work displays. It was a day of days, long anticipated, and long remembered by a simple people. I do not know its true religious worth, if any. At any rate the pastor in such a little town does not have to worry about building and maintaining a parochial school. He does not see in his disturbed nightly dreams a mortgage hovering over him like a hungry monster. His financial worries, if any, are few and light. So, let the people spend the little that they donate in having a day of jollification when the great "festa" comes.

America, however, is another, a different land. Even aside from the patent fact that the social atmosphere is so different from that of the Italian village, and that the people themselves are in general either hostile to, or at best, remain spiritually unaffected by such demonstrations, the pastor of a parish here wants his people to contribute their offerings for substantial works, to build or improve his school, to maintain it along efficient lines, to beautify and keep well equipped the parish church, to support the general works of charity and religion fostered by the Church throughout the world. We know too, that the average American Catholic of Italian descent prefers his devotional life in the church building, not on the city streets; and in a solid, serious and dignified manner. For his pleasure he does not look to the " feste ". He goes to the theatre or other places of amusement common to other Americans. This he definitely prefers, (and who can wonder that he does?), to watching, with mingled feelings of amusement and shame, a haphazard, dishevelled group, tramping over the hot, traffic-burdened streets of the modern city, dodging trolleys and automobiles, while a few perspiring " contadini " carry the statue of the favorite saint. We know also, that the average American of Italian descent prefers to give his contribution for the support of the church in a monthly collection envelope rather than by showily pinning a dollar-bill on a flashy ribbon suspended from a statue's neck; particularly in view of the fact that his dollar will go in very large part either to the musicians or to the committee " to pay for expenses ". Very little of it will find its way to the church. We know that for musical entertainment he prefers the opera, or even the music which pours from his radio, to the " band " in the procession, or the " concerto " scheduled for the evening of the " festa ".

I emphasize the street procession, as we have it here today in America, as one of the most religiously perverted and spiritually dangerous customs still persisting in many places among the Americans of Italian descent. To such customs as these some of the immigrant priests still cling in fear that otherwise their usefulness is at an end. Their grave mistake lies in failing to see that it is rather by retaining and fostering such customs they become less useful and less an effective intrument of the Church; and in fact become gradually alienated from their people. No more effective lesson along these lines can be given than that provided today in the military camps of the nation. Let these priests who cling in their parochial work to customs and to a language which are foreign, see the religious life of the American Catholic boys of Italian descent as they kneel side by side with those of other racial extractions. There is no difference in these groups. Those of Italian descent are not nostalgic for Italian religious customs. They neither miss nor want them.

In the long run, I believe that in advocating the abandonment of these customs, which no longer justify themselves, we are advocating the ideals of the Church. The Church wants the Church in China to be, in proper perspective, Chinese; in Mexico, Mexican; in Africa, African; in Chile, Chilean; and by similar logic, in America, American. All these have the same head and the same faith, yet each in the wisdom of the church is permitted its own national traits and customs where these do not conflict with Catholic doctrine or discipline. It appears to be one of the chief reasons for the Church's stress on the importance of a native clergy, for then only can the Church be said to be truly of the people.

What then of the immigrant priest still toiling among the Americans of Italian descent? Let us consider the personal problem which he faces in the changes taking effect rapidly all around him. He is a missionary in the real sense of the word,—a man who has left his fatherland to go to a foreign land to minister to the religious needs of those who stand in need of his service. Now what does the true missionary do to equip himself for an efficient mission in the land of his adoption? First, he learns the language of the people to whom he goes. The missionary to China is not daunted by the difficulties of the Chinese language. He applies himself to its study with the utmost eagerness and energy, for he realizes that his efficiency in his work will be largely in proportion to his ability to converse clearly and preach eloquently in Chinese. He learns and adopts the customs of his people, striving to become as like them as possible in their daily habits. He even wears clothes of oriental fashion. In Africa the White Fathers, looking with a far-sighted vision on the difficulties of converting the Moslem Arab, have adopted a religious habit very similar to the ordinary garb of the Arabs. We know, of course, that the priests who come from Europe to America doff their cassocks and use the customary short coat for street wear. With many, however, the process of Americanization stops there. Surely it is in order for these missionaries to America to learn English, and to learn to speak it fluently, even if possible without foreign accent. In this way they would be able to conduct church services in English, the language of their people, and to preach, teach and carry on conversation without difficulty or embarrasment. Such facility with the language of the country would serve to unite them strongly to their American parishioners of Italian descent. This is of major importance, for these latter constitute today the majority of practically every so-called Italian parish. Here is a new link between the missionary and the people, the bond of a common and familiar language, the only language his people clearly understand today. Thus would the immigrant priest be well on the way to ending his own segregation. His people would no longer consider him as a pastor only for the few aged Italians of the parish who do not speak or understand English. They would go more readily to him—their pastor, with their spiritual and domestic problems, the story of their joys and sorrows, not reserving these things for his American assistant, if such should be attached to the parish. On Sundays it would be possible for him to speak at any Mass and to all his people instead of confining his preaching to the few and rapidly dwindling old folks. In the real and best sense of the word he would be the pastor of the flock, the whole flock, which has a right to look to him for guidance, not merely a minor portion of it.

This task of learning English is not so difficult as to be a kind of utopian idea. It can be done. It should be done by any priest who comes to America from a foreign land, and who wants to do effectual parochial work. The task should offer no more difficulty than that encountered by American clerics who go to Rome for their studies. These learn Italian. Indeed they usually learn it very well. In a few years they become almost as Roman as the Colosseum. Granted good will and average intelligence,—and the Italian immigrant priest is usually of better than average intellect,—the task of learning to speak English fluently offers comparatively no greater difficulty than that faced by the American striving to learn Italian. For only when he speaks fluently the language of the country which is the scene of his labors will the immigrant priest be able to take his proper place in the religious life of the people whom he hopes to teach, guide and serve.

Those who are unwilling, or unable, (which latter contingency I doubt), to learn English, and to discover and adopt the customs and habits both civil and religious of their newly adopted country, should, in the better general interests of the Church be self-effacing and humble enough to take secondary positions. These could work, perhaps, as assistants in parishes where there are still small groups of non-English-speaking Italians. Among these they could do good work, even though it would still have to be guided by their pastor in the methods which they used.

Probably some will resent these suggestions. These should then remember that they still have a certain freedom of action. No one can hold them in a land which to them will always be foreign, so they are free to return to their own beloved country where they can avoid language difficulties, and speak to the people of their own blood in their native tongue. There too they will be under no restraint about customs, and will be perfectly free to practice the customs which are natural and dear to them. There, undoubtedly, they will be able to do valuable work in Christ's vineyard. There, at least, their talents will not be wasted. They will be working not with aliens but with their own kith and kin. There they will be better understood and appreciated. For such as these to insist on staying in America while refusing to become American priests in the best sense of the word, or at least to be willing to take minor positions, would be, I feel, grossly unfair to the best interests of the

Church. Such an attitude would be similar to the position of the man who wants to eat his cake and still have it. It would even render him liable to suspicion of having ulterior motives.

All that is written here is suggested with only one thought in mind, the highest welfare of the Church in America; and it is offered, while retaining the kindliest feelings towards my clerical brethren from abroad. It is my conviction that the Church here would greatly benefit if this fine body of our clergy would become American priests in thought, in outlook, in language and in their mode of life and labor. Then, and then only, would they be able to give to the Church in America the full use of their many talents, aided greatly by the background of the great culture of their native land. There is, in addition, for them the not unattractive thought that such a course of action would be to their own personal advantage. Not only would they be taking their full and proper place in the Catholic life of America, and with its laity, but with its clergy as well. They would win a new respect. No longer would they be looked upon as " foreign " priests. New fields of religious endeavor with consequent promotions which were formerly closed to them because of their unfamiliarity with the English language and their persistence in foreign habits of life and thought, would now be opened to them. In the face of a growing and more intense national spirit among American people, such a clergy would be in the vanguard. They would be promoters of the growing prestige of the Church in America, for their earnest endeavor to adapt their way of life, coupled with their pastoral labors and sacrifices, would notably help the onward tide of a more united America. They would help to eliminate the little foreign islands in our great United States. They would be pioneers in a work calculated not merely to advance the glory of the Church in their adopted country, but to contribute their loyal service as well to the making of a better and more united America. In the beginning there would be a few sneers from mistaken reactionaries, the obscurantists who harrass any good movement, and some misunderstandings from a few quarters; but these would quickly vanish before the overwhelming appreciation and understanding of American Catholics of Italian and of non-Italian descent alike.

JOHN V. TOLINO.

Philadelphia, Pa.

THE DISPUTE OVER FRANCISCAN POVERTY, 1226-1318.

THOMAS ECCLESTON wrote of one friar on the first Franciscan mission to England in 1224: " Frater Albertus dixit, quod tria praecipue sublimaverunt Ordinem: nuditas pedum, vilitas vestimentorum et abiectio pecuniae." [1] Therein lay the great glory of the primitive sons of St. Francis; it was their profound devotion to the principle of evangelical poverty which gave them attractiveness.

The labors of the Poverello had been spent for one purpose: that of preaching a new concept of poverty, hallowed by its intimacy with the Christ of the Gospels. " That is the true ideal of the poverty of St. Francis; complete renunciation of earthly things, extreme moderation in their use. The renunciation of property he demanded absolutely and unconditionally; to possess anything in person or in common was incompatible with his ideal." Yet " what strikes us most forcibly is, that Francis grasped the ascetical importance of this rigid poverty almost intuitively. To renounce all earthly possession meant to him to be stripped of everything earthly and to belong entirely to God." [2]

Thus he was to write into his Third Rule—the *regula bullata* [3] —the provision: " Praecipio firmiter fratribus universis, ut nullo modo denarios vel pecuniam recipiant per se vel per interpositam personam." [4] And later: " Fratres nihil sibi approprient nec domum nec locum nec aliquam rem. Et tamquam peregrini et advenae in hoc saeculo, in paupertate et humilitate Deo famulantes existunt."[5] There lay the point to the sacrifice: poverty, harsh and rigid though it was, was but an expression of service and love, a " famulatio divina ".

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[1] Thomas de Eccleston: *Liber de Adventu Minorum in Angliam* in *Analecta Franciscana,* I (Quaracchi, 1885), p. 245.

[2] H. Felder: *The Ideals of St. Francis of Assisi* (Eng. tr. New York, 1925), pp. 118-119, 103; cf. the entire study of Ray C. Petry: *Francis of Assisi, Apostle of Poverty* (Durham, N. C., 1941).

[3] The First Rule of 1210 has perished. There is an attempt at reconstruction, however, in J. R. H. Moorman: *The Sources for the Life of S. Francis of Assisi* (Manchester, Eng., 1940), pp. 51-52. The Second Rule of 1221 is in Luke Wadding: *Annales Minorum* (Lyons, 1625), I, p. 67 with an analysis in Fr. Cuthbert: *Life of St. Francis* (London-N. Y., 1914), pp. 465-476. The Third Rule, quoted above, dates from 1223.

[4] *Bullarium Franciscanum* (ed. Sbaralea, Rome, 1759), I, p. 16.

Unfortunately, his friars were men; Francis soon found that even they were not proof completely against the enticement of earthly appetites. There is that pathetic scene recorded in the *Speculum Perfectionis* of the Christmas feast at Rieti, wherein the Saint comes upon his brethren in the midst of a banquet. From his heart is wrung the lament: " When I beheld a table decked as this, I felt that it could not be the dining-place of poor religious who beg their bread from door to door. We, my children, more even than other monks, we have need of following the example, the humility and the poverty of Christ. We are called to this, and this we profess before God and man."[6]

Just before his death in the Fall of 1226, the Poverello bequeathed to his brethren one last expression of his views and principles, warned them of the dangers that would plague their future. " Caveant sibi fratres," he wrote, " ut ecclesias et habitacula paupercula et omnia, quae pro ipsis construuntur, penitus non recipiant, nisi essent sicut decet sanctam paupertatem."[7]

Francis had done all that was humanly possible to safeguard his treasure, to keep poverty supreme amongst his disciples. Perhaps it was that very solicitude which engendered difficulties. The Saint had been so insistent in his Testament that the friars began to ask themselves whether they were bound to its observance just as they were to the Rule. It is recorded that during the generalate of Giovanni Parenti (1227-1232), first successor to the Founder, there arose a great questioning among the brethren as to both Testament and Rule. The General held to this latter just as it stood, " asserens ipsam claram et observabilem et ab omnibus ad litteram observandam "; yet he agreed, at last, to go to Pope Gregory IX for a declaration on the question.[8]

Thus the problem was presented to the Pontiff, himself the former Cardinal Ugolino, friend and intimate counsellor of the Poverello. On Oct. 17, 1230, he handed down his decision in the bull " Quo Elongati ",[9] first of the great papal documents interpreting the Rule of St. Francis.

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[5] *Op. cit.*, p. 17.

[6] *Speculum Perfectionis*, ch. 20 (version Tirinnanzi, Florence, 1934, p. 45); cfr. note 34 below.

[7] *Testamentum S. Francisci*, 7 in C. Mirbt: *Quellen z. Geschichte d. Papsttums u d. Römischen Katholizismus* (5th ed., Tübingen, 1934), # 349.

[8] *Chronica XXIV Generalium* in *Analecta Franciscana*, III, p. 213.

It is a judgment stamped with the sobriety and prudence of Gregory. He appeals first to his own insight into the mind of the Saint and gives expression to his profound interest in keeping the demands made by the Order within the limits imposed by human frailty: " Nos tamen attendentes animarum periculum et difficultates quas propter hoc possetis incurrere . . .". Then he pens his decision: there is no binding force to the Founder's Testament: " ad mandatum illud vos dicimus non teneri ";[10] it remains, then, what it had been—but the private will and last instruction of the sainted Poverello.

There are other points touched upon by the Pontiff; perhaps most significant of all is the interpretation which he places upon the obligation of poverty. The friars are permitted to buy, through a " nuntius " or spiritual friend, those things whereof they have need.[11] True, the grant is strictly limited. It is only " res necessariae " which they may purchase, yet that in itself sets up a contact between the brethren and the economic world which hems them round.

Unfortunately, Pope Gregory's concession led on to other things. Shortly after its publication, there were manifest certain laxities in the observance of evangelical poverty within the Order. Mention is made, for example, of the English King Henry's complaining to Friar William of Abingdon: " Frater Willelme, tu consuevisti tam spiritualiter loqui; modum totum quod loqueris est da, da, da." [12] And then there was the great scandal of Friar Elias, Minister General from 1232 to 1239. He had conceived the project of erecting at Assisi a basilica worthy to contain the mortal remains of St. Francis. For years he worked at his task, causing horror amongst the brethren with the magnificence displayed in the structure. To achieve his end, a tax was laid upon all the provinces of the Order.[13] Seemingly, humility and poverty were cast to the winds that place be found for the splendor which had blinded Friar Elias.

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[9] *Bullarium Franciscanum,* I, pp. 68-70.

[10] *Op. cit.,* p. 68.

[11] *Op. cit.,* p. 69.

[12] *Liber de Adventu Minorum* in *Analecta Franciscana,* I, p. 237.

[13] *Chronica Jordani a Jano* in *Analecta Franciscana,* I, p. 18. The standard biography of Elias is that of Edouard Lempp: *Frère Élie de Cortone* (Paris, 1901). Much of it, however, is open to question.

But the reaction came quickly. The oldest companions of St. Francis, resenting the betraying of his ideals, rose up against Elias. Friar Egidio, on being shown the gleaming new edifice, complained to his guides: "Dico vobis, fratres, quod vobis non deficit nisi quia non habetis uxores." [14] Similarly, the saintly Brother Leo so let his wrath be manifest as to destroy with his own hands the marble receptacle which Elias had set up for alms in front of his basilica.[15]

Clamor welled mightly against the General. Pope Gregory was obliged, at last, to give heed to the outcry; he summoned Elias to Rome and there, on May 14, 1239, deposed him from his office. Even the record of the occasion catches a bit of the relief which filled men's souls: "Factum est tam immensum gaudium et ineffabile quale nunquam dixerunt se vidisse qui interesse meruerunt." [16] There is significance in that attitude towards Elias, for, by the time of the *Fioretti* in the next century, the legend had already grown that "it had been revealed by God to St. Francis that Friar Elias would be damned, abandon the Order and die outside its fold";[17] only through the prayers of the Saint was the first part of the decision revoked, though the apostasy still was verified.

Henry Charles Lea maintains that at the fall of Elias, the Order was already torn into two factions: the Spirituals, intent upon the observance of the letter of the Rule, and the bulk of the community quite satisfied with moderation.[18] But Lea's description is premature. By the late 1230's, factions there were only in the sense of divergent tendencies, one towards rigidity, the other towards a less stringent fulfillment of the Rule. As yet, lines were not hard and fast. Certainly, there was nothing, in those years, which could be termed a definitely organized minority pledged to resist even the hint of relaxation. Despite the mention of individual rebels, we have no knowledge of a sect in opposition to the body of the Order until the generalate of

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[14] *Vita Aegidii* in *Analecta Franciscana,* III, p. 90.

[15] *Vita Leonis* in *Analecta Franciscana,* III, p. 72.

[16] *Liber de Adventu Minorum in Angliam* in *Analecta Franciscana,* I, pp. 242-3.

[17] *Fioretti di S. Francesco,* ch. 38 (ed. Sarri, Florence, 1928, p. 158).

[18] *History of the Inquisition of the Middle Ages* (N. Y., 1887), III, p. 7.

Crescentius of Jesi (1244-1247), and then the whole evidence seems to indicate that this was but an isolated phenomenon, localized to the Marches of Ancona. Factually, even in the days of John of Parma (1247-1257), when there is recorded his summoning of a chapter at Oxford whereat certain friars returned to unity, it is carefully stated that the brethren returning were those " qui praecedere ceteros in sententiis singularibus *incep-erant*." [19]

Slowly, though, as the years ran on, the character of the Order underwent a change. From their foundation, the friars had been laymen, with but an occasional cleric amongst them. St. Francis himself had not been a priest, nor Parenti, nor Elias, his successors in the generalate. Gradually as their mission apostolate increased and as they gave themselves to academic pursuits the brethren found need of priestly orders. With the advent of Haymo of Faversham (1240-1244), the clerical element clearly predominated within the Order. Within thirty years the community had been transformed from a fellowship of laymen into a congregation of clerks.[20]

Those who had known St. Francis resented this transformation bitterly, for with it, and with its attendant emphasis upon learning, there seemed to go a lessening of primitive austerity. Some could not see beyond that, could not appreciate the immense good the friars were working in the university towns. Friar Egidio comes to mind; with all his heart he opposed the new stress upon study. " Parisius, Parisius," he cried, " quare destruis Ordinem Sancti Francisci?" [21]

Along with this orientation, there developed also a rather startling upsurge in the Order's building activity. Apparently, the older friaries were no longer suitable; larger and more commodius dwellings were constructed to take their place. Within six pages of the register of Eccleston there are three references to this building program.[22] Gratien has drawn up a survey of the pontifical documents granting permission for new structures to the friars. Between 1228-1240 there are ten such concessions in the *Bullarium Franciscanum;* between 1240-1244, nine more, and between 1244-1257, something over one hundred.[23]

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[19] *Analecta Franciscana*, I, p. 244.

[20] P. Gratien: *Histoire de la Fondation et de l'Évolution de l'Ordre des Frères Mineurs au XIIIe siècle* (Paris-Gembloux, 1928), p. 155; cfr. also Berard Vogt: " The Origin and Development of the Franciscan School," in *Franciscan Studies*, No. 3 (Aug. 1925), pp. 5-23.

[21] *Vita Aegidii* in *Analecta Franciscana*, III, p. 86.

[22] *Analecta Franciscana*, I, pp. 231, 234, 237.

It was this material expansion, I think, more than anything else which brought into being a definite body of Spirituals—friars rigid in their views and intent upon keeping the obligation of poverty as Francis had conceived it. Scholars have adopted varying attitudes towards them, ranging from complete approbation to equally complete disparagement. Two points only would I note: they are not to be looked upon as a faction consumed simply with an over-powering love for poverty; there is more than a trace of self-will and more than a touch of the narrowness which comes from isolation in mountain hermitages in their make-up. Along with their attachment to poverty there went a basic inability to understand the larger views held by the community.[24] But there was something positive to them—and this is the second point I would make—they represented, in their own day, a vague striving to get back to what was conceived to be the primitive simplicity mirrored in the Gospel pages. The Christian West had seen social movements of that nature for some two centuries before the Poverello appeared in Umbria.[25]

At all events, by the generalate of Haymo of Faversham (1240-1244) discontent had made itself manifest. New doubts had arisen as to the interpretation of Franciscan obligations; it is to these questionings in 1242 that we owe the *Exposition of the Rule* according to the Four Masters.[26]

Yet even at that rumblings continued; to Crescentius of Jesi (1244-1247) was bequeathed the task of dealing with the discontented. For the first time there was question of an organized sect, though, as indicated above, it would seem to have been no more than a local faction which had broken with the Order.

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[23] Gratien: *Histoire de la Fondation . . . des Frères Mineurs,* p. 158.

[24] Cfr. D. Devas: *The Franciscan Order* (London, 1930), pp. 19-20.

[25] The Spirituals represent "das bestreben jenes leben der vollkommenheit welches Jesus selbst anempfohlen . . . und welches infolge der entwicklungsschmerzen, die sich in wirtschaftlichen leben in jener uebergangszeit fühlbar machten . . . das volkstümliche ideal einer sozialen reform geworden war, endlich einmal zu realisieren." (Fr. Glaser: *Die Franziskanische Bewegung, ein beitrag . . .* (Stuttgart-Berlin, 1903), p. 112.)

[26] P. Magliano: *Storia Compendiosa di S. Francesco e de'Francescani,* I (Rome, 1874), pp. 581-584.

The *Chronicle of the XXIV Generals* records that shortly after Crescentius had taken office, " Marchiae invenit in Ordine unam sectam fratrum non ambulantium secundum evangelii veritatem qui instituta Ordinis contemnentes aestimabant se aliis meliores qui ad libitum volebant vivere et omnia spiritui attribuebant." [27] We have the papal permission which he obtained, the bull " Provisionis Nostrae " of Feb. 7, 1246, granting him and his provincials the authority to " excommunicare . . . carceri tradere, mancipare " those of the friars who were found resisting his jurisdiction.[28] The *Chronicle* says only that he used his mandate " valenter ".

It is instructive to compare the simple narrative of Crescentius' activity as outlined in the *Chronicle of the XXIV Generals* and drafted in the papal bull with the elaborate exposè of the partisan *Historia Tribulationum* usually attributed to the 14th century Spiritual, Angelo il Clareno.[29]

In the eyes of this latter, Crescentius is a tyrant who walks in the steps of Friar Elias, who foments an " insaciabilis cupiditas sciendi, apparendi, habendi, acquirendi, mutandi loca solitaria, paupercula et edificandi sumptuosa " [30] and who succeeds in hoodwinking the Pope into granting him permission to proceed against his " pestiferos et scismaticos fratres " before they have had the opportunity of presenting their case to the Holy Father and of revealing the baseness of their General.[31] One learns from Angelo that partisanship is not the natural habitat of historic truth.

But just as with all presecution, this repressive action of Crescentius had an effect opposite to that intended. It served to strengthen the Spirituals in their opposition. It is difficult to believe that the General's methods were as ferocious as Angelo describes them, yet they were sufficient to bring into focus those vague tendencies which hitherto had existed amongst the friars. Men began to take sides, either for or against a rigid interpretation of the poverty prescription in the Rule. And thus the

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[27] *Analecta Franciscana,* III, p. 263.

[28] *Bullarium Franciscanum,* I, p. 410.

[29] But Clareno's authorship is " une supposition arbitraire " according to Richard in the *Bibliotheque de l'Ecole des Chartes,* 45 (1884), p. 528.

[30] *Archiv für Litteratur- u. Kirchengeschichte,* II (1886), p. 256.

[31] *Op. cit.,* p. 259.

Spiritual party expanded with the influx of recruits who otherwise would never have declared their minds at all.

To an extent also, the activity of the Papacy brought men into the camp of the Spirituals. The Popes, indeed, were striving to fit the ideas of St. Francis to changing world conditions, were seeking the maximum in utility to both Church and society from the Order of the Poverello.[32] They saw the need of adaptation, of the relaxing of one prescription in the Rule, of the corresponding stressing of another.

But that world view was beyond the Spirituals. They held almost as a dogma the absolute perfection of Francis' handiwork. Nothing was to change or to touch it.[33] Such an attitude is the basis of the very first chapter in the *Speculum Perfectionis* wherein Elias and his companions demand from Francis a modification of the Rule. The Saint looks up to heaven and speaks to his Master; behold, a voice from above declares: " Nothing is thine in the Rule, my Francis, all that is there is Mine; I want it to be observed just as it is, to the letter and without gloss."[34] In the light of that conviction, the Pope was usurping to himself a right he did not, could not, possess each time he modified the ordinances of the Poverello. It was the obligation of the Spirituals to refuse his intervention, to obey God rather than man.

Mention was made of the doubts as to the meaning of the Rule which arose during the generalate of Haymo of Faversham. When the *Exposition of the Four Masters* (1242) did not settle the matter, Pope Innocent IV took the affair into his own hands. On November 14, 1245 he promulgated his decision, it is the bull, "Ordinem Vestrum ".[35]

What is of special moment, from the point of view of this paper, is the relaxation—Innocent would have called it, justly, an adaptation—in the statute of poverty. Before 1245, the friars had been permitted only the purchase of that which was strictly needful to their work: thereafter, they were allowed useful goods as well: " possunt tamen, si rem sibi necessarium, *aut utilem* velint emere . . . ad nuntium . . . licite habere recursum." [36]

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[32] Cfr. D. L. Douie: *The Nature and the Effect of the Heresy of the Fraticelli* (Manchester, Eng., 1932), p. 3.

[33] Cfr. the view of the Spirituals condemned at Marseilles in 1318: " illud quod est contra regulae fratrum Minorum observantiam et intelligentiam est per consequens contra evangelium et fidem . . ." (Baluzius: *Miscellanea* (Paris, 1678), I, p. 201.)

[34] *Speculum Perfectionis*, ch. 1. (version Tirinnanzi, p. 19.) There is considerable dispute on the date of this work. Sabatier held, in 1898, that it was from the pen of Brother Leo and dated from 1227. Recent opinion assigns it to 1318, the work, possibly, of Fr. Fabian of Hungary; cfr. Max Heimbucher: *Die Orden u. Kongregationem d. Katholischen Kirche* (2nd ed., Paderborn, 1933), I, p. 665; also J. R. H. Moorman: *Sources for the Life of S. Francis of Assisi* (Manchester, Eng., 1940), pp. 130-133.

[35] *Bullarium Franciscanum*, I, pp. 400-402.

There was wisdom in that, yet I fear that it seemed a blasphemous novelty in the view of the Spiritual brethren.

And then fuel was added to the smolder. On Feb. 25, 1250, the Pontiff issued the constitution " Cum a Nobis " [37] which granted the friars permission to give layfolk burial within their churches. In itself, the concession was innocent enough, but it carried, ultimately, the implication of legacies. Père Gratien has pointed out: " Donner l'habit a leurs bienfaiteurs au lit de mort, les accepter dans leurs cimetières, fut de tout temps chez les moines, un moyen de susciter les générosités." [38]

Again the Spirituals burned at the papal intervention.

No doubt the Popes could have been more considerate of the views of this faction in their dealings with the Order. In 1254, for example, there died at Venice a certain Marco Ziano. Part of his property was left to the Franciscan community of *I Frari*. The Pope approved the will on July 12, 1254, but the friars declined to accept the legacy. Then again the Pontiff intervened. The following May 14th he gave the strict command that the property be accepted, " contrariis Ordinis vestri statuto seu mandato quolibet nequaquam obstantibus." [39]

Of course, there was the question of pontifical authority at stake, yet none the less Spiritual brethren saw in the Pope's action a command contrary to the Rule they considered God-revealed.

Resenting though they did the Pontiff's precept, and horrified by its ready acceptance on the part of the Order, the Spiritual faction was notwithstanding solaced by one mighty consolation. That was the election of one of their own to the generalate in July 1247. He was the Blessed John Buralli, known universally as John of Parma (1247-1257).

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[36] *Op. cit.*, p. 400.

[37] *Op. cit.*, p. 537.

[38] *Histoire de la Fondation . . . des Frères Mineurs*, p. 179.

[39] *Bullarium Franciscanum*, II, p. 47; cfr. *Ibid.*, I, p. 755.

The transports of the *Historia Tribulationum* are impressive. John is " scientia et sanctitate precipuus ". As his first official act, he recalls from exile the Spirituals punished by his predecessor. His generalate is a reign of justice: " sub solari viro fratre Johanne letabantur omnes et gaudebant, qui consolabatur mestos, corripiebat inquietos, suscipiebat infirmos . . . et ad paupertatis promisse observanciam et sobrietatem et continenciam actuum suorum efficacia omnes attrahebat." [40]

Actually, the decade wherein John was Minister seems to have been a period of great good for the Order. Himself inclined to a more strict observance, he labored to keep the ideals of Francis strong within his community. His was the task of guarding the unity and harmony which all desired.[41]

Significant of his policy is an incident at the Chapter of Metz in 1254. It was there that the friars renounced the papal grants which had been given them and suspended the application of Pope Innocent's " Ordinem Vestrum " in all those points in which it differed from Gregory IX's " Quo Elongati ".[42]

For a time it looked as though the Spirituals had triumphed.

But the triumph was short-lived. Catastrophe was hovering near. And it came in that same year 1254, when Gerard di Borgo San Donnino, Spiritual amongst the Spirituals, published his *Introductorius in Evangelium Aeternum*. It was meant as an interpretation of the thought of the Abbot Joachim.

Joachim had been in his grave for many a long year, since 1202 in fact. Stormy had been his life, torn by the deep desire for spiritual consolation which had carried him first to the Holy Land and then back again to his native Calabria to the foundation of the abbey at Fiore whence he takes his name. He had died in the peace of the Church, and with the reputation of sanctity, but the works which he left behind were to injure his prestige. There was a prophet in him—" il calavrese abate Giovacchino di spirito profetico dotato " [43]—and a world of mysticism. His doctrine is drenched with the thought of the Apocalypse. It was in the guise of a seer that he attempted a philosophy of history. For him, the burning problem was that of the future destiny of Christian society. To forecast that future, he spent himself upon the past. Therein he found a guiding principle. Two of the Divine Persons have had, successively, a marked influence upon humankind. Religion commenced with the Father, Creator of the world and Author of the Ancient Covenant. From the Son, Who appeared in the midst of history, it received a new orientation. In the place of the Old Law, another was given, yet, unfortunately, much of the past remained. The spirit and life-bringing thought of the Gospel has been hemmed in by material forms which sap its strength. All that must be swept away; spirit must be free of letter, the vibrant life of Christ's teaching must break its bonds. On the day of that conquest, the Eternal Gospel will be revealed. It is the task of the Holy Spirit to accomplish the unfolding; under His influence the last and the perfect transformation of religion will come about.[44]

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[40] *Archiv f. Litteratur- u. Kirchengeschichte*, II (1886), pp. 262-263.

[41] Magliano: *Storia Compendiosa d. s. Francesco e de'Francescani*, I, pp. 591-605. For a description of John from the pen of an admirer, see Salimbene's *Chronicle* in *Monumenta Germaniae Historica, Scriptores*, XXXII, pp. 295 ff.

[42] *Definitions of Narbonne*, # 13 in *Archivum Franciscanum Historicum*, III (1910), p. 503; for the date of the Chapter of Metz (May 31, 1254) cfr. *Arch. Fran. Hist.*, IV (1911), pp. 425-435.

[43] Dante: *Paradiso*, XII, 140-141.

Joachim had applied mathematics to his speculations. He looked back into the Old Testament and found that Judith had lived forty-two months in her widowhood. That, being interpreted, is 1260 days. That, too, is the key. In the year of grace 1260 the great regeneration will come upon mankind, the face of the earth will be renewed, and a Spiritual Church, ruled by a monastic clergy, will replace the Carnal Church which thus far has endured.[45]

It was the function of Gerard di Borgo San Donnino to set about an understanding of the Abbot. He was struck by the imminent appearance of the Spiritual Church as foretold by Joachim. Then a great light shone upon him: it was the Franciscan Order that had been announced. Francis had been the herald of the Eternal Gospel; he had preached a new dispensation of poverty meant to deepen the teachings of the Master in Galilee. The time of the triumph was near at hand; the Spiritual Franciscans were about to renew the earth.[46]

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[44] Cfr. P. Fournier: *Études sur Joachim de Flore et ses doctrines* (Paris, 1909), pp. 16-17; see also Jordan's article in the *Dictionnaire de Théologie Catholique,* VIII (1925), cc. 1425/1458 and the biographies of Joachim by Ernesto Buonaiuti (Rome, 1931), and H. Bett (London, 1931).

[45] Lea: *History of the Inquisition of the Middle Ages,* III, p. 14; cfr. Douie: *Nature and Effect of the Heresy of the Fraticelli,* p. 24.

[46] On Gerard cfr. E. Gebhart: *L'Italie Mystique* (Paris, 1890), pp. 209-219.

That smacked of heresy, and before he knew what was upon him, Gerard had brought the whole University of Paris down upon his head. The Secular doctors took special delight in casting the work into the teeth of the Mendicant masters. One of them, William of St. Amour, penned his *De Periculis Novissimorum Temporum* which was as much a diatribe against the friars as it was a censure of Gerard.[47]

The Parisian doctors drew up a list of Gerard's errors and referred them to the Papal Court. There, a commission of cardinals was constituted to examine the matter. Its sessions were held at Anagni, residence of the Curia for the period. At length, a series of propositions was presented to the Pontiff; on Oct. 23, 1255, Alexander IV gave public notice of his censure.[48]

Our knowledge of Gerard's teaching depends very largely upon the propositions outlined by the cardinals at Anagni. The heart of his doctrine seems to have been: "Quod Evangelium Aeternum traditum et commisum sit illi ordini specialiter, qui integratur et procedit aequaliter ex ordine laicorum et ordine clericorum." And that the Carnal Church will endure "... usque ad illum angelum qui habuit signum Dei vivi, qui apparuit circa MCC Incarnationis dominicae, quem angelum frater Gerardus vocat et confitetur sanctum Franciscum."[49]

It was revolutionary, of course, and as such condemned. But in a sense, it was the culmination of all the longings of the Spiritual party within the Franciscan Order. They had been convinced that Francis, and they with him, had a special work to do, a God-given Rule to promulgate which even the Pope could not change.[50] With such premises, it was but natural that they see themselves as a chosen people, as a race apart, destined by God to transform the life of christendom.

Hidden away in Eccleston's *Liber de Adventu Minorum in Angliam* there is a remark which throws open a portal into the understanding of this Spiritual mentality. Brother Leo was called upon to speak at the Chapter General at Genoa in the days of John of Parma. He spoke, as he ever did, of Francis, and he said in all sincerity, " quod angelus dixit ei (Francis) quod Ordo suus duraret usque ad finem mundi et nullus malae voluntatis diu durare posset in Ordine et quod nullus odiens Ordinem diu viveret et quod nullus veraciter amans Ordinem suum malum finem haberet." [51]

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[47] For a general treatment of the conflict between Seculars and Mendicants at the University of Paris cfr. Van den Wyngaert: "Querelles du clergé séculier et des Ordres Mendicants à l'Université de Paris au XIIIe siècle," in *la France Franciscaine,* V (1922), pp. 257-281, 369-398; VI (1923), pp. 47-70.

[48] J. DeGuibert: *Documenta Ecclesiastica Christianae Perfectionis Studium Spectantia* (Rome, 1931), # 174.

[49] *Archiv f. Litt. u. Kirchengeschichte,* I (1885), p. 101.

[50] This intransigence towards the Papacy is commonly charged against the Spirituals in the early 14th century; cfr. the contemporary tract published by Baluzius: *Miscellanea* (Paris, 1678), I, p. 277.

It was that concept which made possible the book of Gerard di Borgo San Donnino.

Reaction there was against Gerard from those outside the Order; within the community, opposition was equally as devastating. Moderate brethren felt that their entire fellowship had been discredited in the eyes of pious christians; they tried Gerard and sentenced him to life imprisonment.[52]

The General, also, was involved. John of Parma had been intimate with the culprit—" cuius *principalis* socius frater Girardus " as says the *Historia Tribulationum* [53]—he, too, was to share his disrepute. In February 1257, John laid down his office; chosen to succeed him was the 37-year-old Parisian doctor, Bonaventure of Bagnorea.

Men have spoken in ecstasy of the seventeen years during which St. Bonaventure was General (1257-1274). They have quoted with approval the saying of Alexander of Hales: " videbatur Adam in eo non peccasse." [54] They have looked with favor upon his policy. " He aimed at uniformity on general lines, convinced that if this were accomplished lesser difficulties would gradually disappear, or, at least, lose their power of seriously disturbing the peace of the Order. The Rule was to be observed; no abuse was to be tolerated. But whilst strongly condemning the excesses of those who aimed at relaxation, he was not less determined in restraining the zeal of those who sought excessive rigour." [55]

Certainly, Bonaventure labored long and earnestly to strengthen the spirit of poverty amongst his brethren. The

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[51] *Analecta Franciscana,* I, p. 245.

[52] Vida Scudder: *The Franciscan Adventure* (London-Toronto, 1931), pp. 146-147.

[53] *Archiv f. Litt. u. Kirchengeschichte,* II (1886), p. 268.

[54] *Analecta Franciscana,* III, p. 324.

[55] L. Costelloe: *St. Bonaventure the Seraphic Doctor* (New York, 1911), p. 40.

Chapter General at Narbonne is an example of his efforts. Summoned under his direction in 1260, it laid down the first set of Constitutions which have been preserved for us. Amongst other things, it prohibited the taking of collections in conjunction with the sermons of the friars and demanded the complete removal of costly ornaments from Franciscan churches.[56]

And then his encyclical of 1267 censured the same evils and warned his brethren that, " dum paucis nolumus esse contenti et aedificia sumtuosa conamur erigere . . . nobilia per incuriam perdimus." [57]

Bonaventure's interpretation of the Rule was conceived in the best Franciscan tradition. On the poverty of the friars he wrote so beautifully: ". . . in domibus vivunt alienis, illum imitantes qui nullum habuit titulum proprii domicilii ubi caput suum sanctissimum reclinaret. Et propter ipsum utantur libris et aliarum necessitatum utensibilibus, quae iuris sunt alieni. Nam et Christus alieno vescebatur cibo, ut dicit Hieronymus . . ." [58]

And yet with all of that, there was no great sorrow amongst the Spiritual brethren when he laid down his generalate in May 1274. The attitude of the author of the *Historia Tribulationum* is typical. Nowhere does he refer to Bonaventure with patent animosity, yet nowhere does he laud his zeal. And when he comes to speak of the condemnation of John of Parma which was first procured, and then later revoked by the Minister-General, he contents himself with the observation: " Tunc enim sapiencia et sanctitas fratris Bonaventure eclipsata paluit et obscurata est, et eius manswetudo ab agitante spiritu in furorem et iram conversa defecit . . ." [59]

Part of that Spiritual coldness was due, certainly, to the rôle Bonaventure had assumed in the censuring of his predecessor, yet even more than that, to the conviction which they held that on one crucial occasion he had failed them completely.

At the Chapter of Narbonne in 1260, the friars had besought their General to give them an authentic Life of the Founder.

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[56] *Archivum Franciscanum Historicum,* III (1910), p. 503.

[57] *Opera Omnia S. Bonaventurae* (Quaracchi, 1882 ff.), VIII, p. 470.

[58] *Op. cit.,* p. 395; cfr. J. Balthaser: *Geschichte des Armutsstreites im Franziskanerorden bis zum Konzil von Vienne* (Münster-i-W., 1910), pp. 56-79 for Bonaventure's ideals and his evaluation of the actual state of poverty amongst contemporary Franciscans.

[59] *Archiv f. Litt. u. Kirchengeschichte,* II (1886), p. 285; cfr. p. 277.

It was the opportunity, if ever there were one, for the publication of a biography of the Saint which would vindicate all the aspirations of the Spiritual party. And it would have been so simple for Bonaventure to have written a study of that nature. The Spirituals were a well-organized faction—they had taken to the wearing of a special shortened habit to distinguish them from the mass of the Order [60]—and they had already begun to fashion a number of legends concerning Francis which favored their own views and practices.[61] The General could have taken those stories as they were and made them official for the Order. Instead, he chose to do otherwise. He did publish his Life—it is in the form of two *Legendae* [62]—but he made no attempt at all to draw the Saint of Assisi as the zealots wanted him. All that tended towards the strange and the bizarre in the Poverello was passed over in silence. Beauty there was in his biography and a depth of sanctity, but it was not a factional interpretation. As Professor Little has remarked, the aim of the General was " not to paint St. Francis as he was, but to give an account of his life and aims as might unite the order . . . incidents which did not fit in with the conventional notions of sanctity, facts and ideas which had roused bitter partisan quarrels, were slurred over or omitted." [63]

It was that, I think, which the Spirituals never forgave Bonaventure, which made them take his resignation in the late Spring of 1274 without sorrow or lament.

The discord and strain which had been in evidence under Bonaventure continued, unfortunately, throughout the generalate of his successor, Friar Jerome of Ascoli (1274-1279). Jerome had little time to devote to his Order. Constantly he was engaged upon missions for the Holy See. " Par malheur," says Gratien, " le service de l'Eglise l'absorba presque tout entier." [64] A mere glance at the *Chronicle of the XXIV Generals* is enough to confirm that. He was elected General while still upon a legation in Greece, a year later, he was directed to return there, while in 1278, he was sent off again for the restoring of harmony between the kings of France and Castile.[65] And then to make more difficult his generalate, he was created a cardinal, with all the duties of the Curia, while yet retaining his primacy amongst the Franciscans.[66]

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[60] *Definitions of Narbonne,* # 16 in *Archivum Franciscanum Historicum,* III (1910), p. 503.

[61] These were later destroyed at Bonaventure's command; cfr. *Archiv f. Litt. u. Kirchengeschichte,* II (1886), p. 266.

[62] *Opuscula* 23, 24 in the Quaracchi edition, VIII, pp. 504-564; 565-579.

[63] *The English Historical Review,* XVII (1902), p. 651; cfr. J. R. H. Moorman: *Sources for the Life of St. Francis of Assisi,* pp. 136-151.

[64] *Histoire de la Fondation . . . des Frères Mineurs,* p. 325.

Brother Buonagrazia, General from 1279-1283, was more fortunate than his predecessor. He commenced his regime while Nicholas III still held the Pontificate. In him he found a prelate who gave the friars a large place in his heart. Petitioned for a protector, Nicholas presented the Order with Cardinal Rubeo Orsini; to the Cardinal he exclaimed: " Damus enim tibi quod introducat te in paradisum, scilicet suffragia et merita omnium sanctorum fratrum istius Ordinis. Damus tibi melius quod habemus, damus tibi cordis nostri desiderium, pupillam oculorum nostrorum." [67]

It was the knowledge that Pope Nicholas thought so highly of the Order which caused the Minister General to make a new request. This time he asked an authentic interpretation of the Rule to stifle the discord which had been manifest. Generously, the Pontiff acquiesced. He named a commission to examine the question and appointed thereto his prothonotary Benedict Gaetani, the future Boniface VIII. Theirs was the task of the interpretation under the ever watchfulness of the Holy Father.[68] When they were done, on August 14, 1279, there was promulgated the famed constitution " Exiit qui seminat ". [69]

It is a bull which continues the great series of pontifical documents, worthy successor to Gregory's " Quo Elongati " and Innocent's " Ordinem Vestrum ". Just as they, it too is intent upon bringing peace into the community. Just as they, it is wise and conservative. High praise is given to the ideal of absolute poverty: "... abdicatio proprietatis huiusmodi ... propter Deum meritoria est et sancta, quam et Christus, viam perfectionis ostendens, verbo docuit et exemplo firmavit ",[70] while the strict interpretation of that which may be regarded as " necessary " to the Order is insisted upon: it certainly does not extend " ad ullam superfluitatem, divitias seu copiam, quae derogat paupertati, vel ad thesaurizationem ".[71] Sympathetic towards the Spiritual viewpoint, the bull nevertheless proclaims that a sane usage of material things is permitted to the brethren: " ex regula, ad victum, vestitum, divinum cultum et sapientiale studium necessarium rerum usum fratribus esse concessum ";[72] finally, there is laid down a cardinal principle: the Rule, with all of its stress upon the Gospel mandates, places no more grievous burden upon the friars than does the Gospel itself; it is still true that " praecepta ut praecepta et consilia ut consilia a promittentibus observentur." [73]

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[65] *Analecta Franciscana,* III, pp. 356, 357, 365.

[66] *Op. cit.,* p. 366.

[67] *Op. cit.,* p. 368.

[68] H. Holzapfel: *Handbuch der geschichte des Franziskanerordens* (Freiburg-in-Br., 1909), p. 46.

[69] Richter-Friedberg: *Corpus Iuris Canonici* (Leipzig, 1879), II, cc. 1109-1121.

It was badly needed, this pontifical attempt at pleasing both factions within the Order, for already smoldering discord had flared up into open bad feeling. In the year of the General Council at Lyons (1274), word had gotten about in the Abruzzi that the Pope intended to force community property upon the Franciscans and thus to make them similar to every other order. Wadding records the intransigent attitude assumed by the Spirituals on the occasion: " non licere Pontifici immutare statum a Deo revelatum "; he bewails that " adeo processit studium nimis vehemens et indiscretum partium ut Pontificis circa rem hanc statuendam authoritas vocaretur in dubium." [74]

The upshot was that the moderate brethren clamored for action against the Spirituals. This is obviously the " persecution " of which Angelo il Clareno complains in his *Epistola Excusatoria* to Pope John XXII. Therein he laments that although " nullius inobedientie vel alterius criminis macula inveniretur in nobis ", he and his companion Liberato da Macerata were nevertheless hated by the community which, having the upper hand, condemned them, " gratis et penitus sine causa tanquam scismaticos et hereticos ", to perpetual imprisonment.[75]

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[70] *Op. cit.*, c. 1112; this was later interpreted by the Spirituals as a papal definition that Our Lord had owned nothing, cfr. Baluzius: *Vitae Paparum Avenionensium* (ed. Mollat, 1927), II, pp. 66-67.

[71] Richter-Friedberg, II, c. 1114.

[72] *Ibid.*

[73] *Op. cit.*, c. 1112.

[74] Wadding: *Annales Minorum*, II, *ad annum* 1275, p. 404.

Their condition was pitiable enough; all companionship was held from them, books and the Sacraments denied.[76] But it has been given a duration by modern authors which scarcely bears much scrutiny. Miss Scudder holds that it continued for fifteen years, from 1274 to 1289,[77] while Lea, though he makes it commence somewhat later, nevertheless opines that it ran on unbrokenly till the later year assigned.[78] And even Fr. Oliger seems to share that view.[79]

What has been overlooked in each case is that the chronology of the *Historia Tribulationum*—commonly held as a later work of Clareno—forces us to abandon that interpretation. Actually, the *Historia* makes it quite plain that after three years of incarceration, in 1276, through the good offices of a saintly Friar Benjamin, peace was patched up between the zealots and the community.[80] It was not to endure, indeed, but it does seem to have released the group (there were others in addition to Angelo and Liberato) from the solitude of their cells.

Then, " infra non multa annorum curricula ", the moderate friars grew fearful of their adversaries. Five prominent officials took common counsel; its result was a series of new charges against the Spirituals at a succeeding provincial chapter and a new condemnation to life imprisonment.[81] That was only terminated, at length, in 1289.

It is probably fruitless to try to work out a date for this second sentence until we know more about provincial chapters in the Marches of Ancona. Various guesses have, indeed, been made. Miss Douie implies that it took place in 1279, but that is based upon a false interpretation of the three year penance terminated through the efforts of Friar Benjamin.[82] Fr. Holzapfel suggests 1280 without further ado.[83] For myself, I feel it better to refrain completely from that which must be at best but pure conjecture.[84]

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[75] *Archiv f. Litt. u. Kirchengeschichte,* I (1885), p. 523.

[76] *Archiv f. Litt. u. Krichengeschichte,* I (1885), p. 524; cfr. II (1886), p. 304.

[77] Vida Scudder: *The Franciscan Adventure,* pp. 212-213.

[78] H. C. Lea: *Inquisition of the Middle Ages,* III, p. 34.

[79] *Dictionnaire d'hist. et de géographie ecclésiastiques,* III, c. 18.

[80] *Archiv f. Litt. u. Kirchengeschichte,* II, p. 303.

[81] *Ibidem.*

[82] D. L. Douie: *Nature and Effect of the Heresy of the Fraticelli,* p. 53.

[83] H. Holzapfel: *Handbuch d. gesch. d. Franziskanerordens,* p. 51.

At all events—however long the second sentence lasted—by 1289 the matter found its settlement. Shortly after the election of Raymond Gaufridi to the generalate (Easter 1289), he took occasion to visit the brethren in the Marches. There, the plight of the imprisoned friars was brought to his notice. He looked into the question, and finding that not overmuch justice had been done, revoked the judgment. That gave the Spirituals their liberty again. There was peril, indeed, in leaving them to the charity of their erstwhile custodians; wisely, the General gave them his blessing and sent them off—Angelo, Liberato with a handful of companions—to the King of Armenia who had requested Roman missionaries to preach to the people of his realm.[85] In the East, at least, they were outside harm's way.

Though Gaufridi had cleared Ancona of bad feeling by sending Angelo and his party far from their home-land, there were other problems still to plague his generalate. Admittedly, the last decades of the thirteenth century had witnessed a material strengthening of the Order, but as a sequel, there had gone along some relaxation in the friars' practice of poverty. Part of that was due, no doubt, to human frailty; partly, too, to an enactment of the Holy See. In 1283, Pope Martin IV had issued the bull " Exultantes in Domino " [86] which revoked the earlier practice of having the Order's financial representatives (the so-called procurators) appointed directly by the Curia. In its place, the Father Custodian of each locality was commissioned to establish similar functionaries at his own discretion.

On the surface, the innovation seemed of little moment; underneath, there was something far more grave. Henceforth, for all practical purposes, the Order itself became the supreme arbiter of its own property; it might possess and control wealth almost in its own name. Père Gratien has seen what was implied: " la bulle qui devait leur faciliter la pratique de la pauvreté, ruinait l'idée même de la pauvreté franciscaine; elle transformait ... le procureur syndic en une 'simple marionette' et le domaine souverain de l'Eglise sur les biens des Frères en une pure fiction juridique."[87] Even the Chapter General at Milan in 1285, which might have been expected to see the dangers involved in the new ruling, took up the permission readily and recommended it to the local superiors with the one caution: "Caveant tamen de multiplicandis litibus et quod nichil fiat contra ordinis honestatem."[88]

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[84] Cfr. Card. Ehrle: " Wann diese einkerkerung erfolgte, lässt sich, so viel ich sehe, nicht näher bestimmen. Die einzige angabe, welche uns hier geboten wird, ist: " non multa annorum curricula " nach dem J. 1276." (*Archiv f. Litt. u. Kirchengeschichte,* II (1886), p. 304 n.)

[85] *Archiv.,* I (1885), p. 524.

[86] *Bullarium Franciscanum,* III, p. 501; cfr. Delorme: " Praevia nonnulla decretali 'Exultantes in Domino'," in *Archivum Franciscanum Historicum,* VII (1914), pp. 55-65.

Unfortunately, there is other evidence that all was not well with Franciscan poverty, that matters needed mending in those closing years of the thirteenth century. There is, for example, the valiant effort of the Parisian Chapter General in 1292 to root out abuses through the re-editing of the Constitutions which had been adopted at Narbonne some thirty years before. Amongst the special evils which Paris legislated against are the scandals caused by those friar-confessors who impose financial contributions upon their penitents, by other brethren who manage to get themselves or their relatives provided for in the wills which they witness.[89]

It would be thoroughly unwarranted to claim that by the generalate of Raymond Gaufridi poverty had sickened badly amongst Franciscans. But there was need of vigorous pruning —of the cutting away of abuses which had reared their head. Clearly, the Minister was aware of the situation and had already well begun the work of reform. Years would run on, however, before his task was done. In the meantime, a new group of Spirituals raised their voices. There was an intransigence to them quite beyond anything which had been seen before. They deserve, indeed, a treatment of their own.

It is that which we shall reserve for the following paper. Therein we shall look into the new movements which came into being as the thirteenth century, first in Franciscan history, ran on to its term.

HENRY G. J. BECK.

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(Part II of this article will appear in the December issue.)

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[87] *Histoire de la Fondation ... des Frères Mineurs,* pp. 373-374.

[88] *Archiv f. Litt. u. Kirchengeschichte,* VI (1892), p. 55.

[89] *Op. cit.,* p. 92; cfr. also the complaints of Pope Boniface VIII in the bull "Cum ex eo" (1296) in *Bullarium Franciscanum,* IV, p. 424.

THE COURAGE OF THE SCHOLAR.

Fortitudo, eam virtutem propugnantem pro aequitate.
Cicero. *De Officiis.*

THE stories of courage and daring which characterize the fighting of our soldiers and sailors provoke the admiration of our nation and of the entire world. We are justly proud of their gallant achievements. In the very prominence given to their heroic feats, and in the sense of pride which follows from their recognition, there is the danger, however, that the vision of the shepherd of souls may be somewhat blurred in recognzing a different kind of courage, a courage that operates in the silent kingdom of the soul, and seldom gains the spotlight of this world. That is the courage of the saint and the courage of the scholar. Let us consider the courage of the latter for he is seldom viewed in that light, and yet upon his courage so much of the progress of the world depends.

Back of most of the great discoveries which have blazed new paths through the jungles of ignorance and the wilderness of superstition has been the courage of a mind struggling for truth and light. Not less important for the welfare of the race than physical courage is intellectual courage. It is akin to moral courage which fights for its convictions against the social pressure. I use the term intellectual courage to indicate that inner quality which prompts men to struggle with might and main and endless labor for the discovery of truth in all the fields of science and the achievement of beauty in all the domains of art and letters.

The exercise of physical courage is usually visible. The functioning of intellectual courage is rarely perceptible. In the early stages of World War I, Foch is said to have reported to General Joffre: " My right wing is dangerously threatened. My center is giving way. It is impossible for me to move. The situation is excellent. I shall attack with all forces." The gallant courage of Foch and the valorous deeds of his soldiers are written at once on the pages of an open book for all the world to read and admire.

The courage of the searcher for the truths locked in the arcana of nature is usually hidden, however, in the obscurity of the laboratory or in the fields of nature. That of the artist finds expression in striving for form and color in the undramatic studio. The literateur fights his battle over a lonely, unglamorous desk with no plaudits to urge him on. The paths of these searchers for truth and beauty are strewn with the boulders of unremitting toil and the thorns and briars of infinite care and a patience that never ends.

GREGOR MENDEL.

True, now and then a name bursts into fame through a spectacular discovery. For the most part, the workers toil away in their laboratories, grateful if their lives' labors will clear the way for some future researcher to reach the long-sought goal. Like Moses, they journey in the desert and never enter into the promised land, thankful for a distant view of it from Mount Nebo. The discoveries are nearly always the flowers which bloom upon the long stem of the labors of myriad workers in the field. That is part of the nobility and unselfishness of scientists.

They are happy in striving for the truth, striving to tease out a law from the tangled phenomena of nature. If they do not succeed themselves, they are happy in the knowledge that their labors may constitute the foundation for a fellow worker's success. It is truth that matters. The glory of the individuals in the army of workers who contribute to its ultimate discovery fortunately does not much concern them. That is their least concern. Here is intellectual courage that wears the lovely garb of humility, one of the loveliest of all the virtues.

Abbot Gregor Mendel worked away with his experiments on rough and smooth peas in the monastery garden at Bruenn, for eight years, till he teased out of their variations important laws of genetics. His work laid the scientific foundation for the analytical and bio-mathematical treatment of the problem of heredity. He published his discoveries in 1865 in the journal of the local Natural History Society. He carried on a long correspondence with the distinguished botanist, C. Von Naegeli, but could not interest the latter in his findings.

It was not until 1900, sixteen years after the Abott's death, that the scientific world finally perceived the far-reaching character of his discoveries and paid tardy homage to his genius. Abott Mendel was working not for the world's acclaim. Like all consecrated souls he was working for the discovery of truth. Though his contemporaries failed to recognize the epochal nature of his discoveries, he had the satisfaction in the inner citadel of his soul of looking into the radiant face of truth and of unveiling that face for all the world finally to gaze upon.

JEAN HENRI FABRE.

Jean Henri Fabre came to know more about the ways of insects than any man in France. His key to the door that opened the mysterious world was an unremitting application and a courage that never surrendered. Living in a humble home, with scarcely enough money to buy food for his family, he made the fields and woods his laboratory. On hands and knees, he would spend hours under the scorching sun following the movements of ants in the grass, watching the maneuvers of beetles in the field, studying the behavior of wasps in their burrows. From sun-up to sun-set, he would follow the movements of the insect he was studying until he could chart its way of life with an accuracy which had never previously been achieved.

When the Minister of Public Education was visiting schools in the neighborhood, he asked to be escorted to the home of Fabre. He found the great naturalist in his overalls, with sleeves rolled up, and hands red with chemical dye. Hiding his " lobster claws " behind his back, he apologized for his appearance. Complimenting him on laying bare so many secrets of the insect world, the Minister said: " I will help you. What do you want for your laboratory? " " Why nothing, M. le Ministre, nothing," replied Fabre. " With a little application, the equipment I have is ample." " What, nothing! You are unique there. The others overwhelm me with requests. Their laboratories are never well enough supplied. And you, poor as you are, refuse my offer."

Then Fabre told the Minster how he made the fields and the woods his laboratory and studied the insects from morning to night. He would go out into the dawn to watch the resurrection of the silkworm moth in order not to lose the moment when the nymph bursts her swaddling bands. By night he studied the Cione constructing a capsule of goldbeater's skin or the processional caterpillars moving head to tail along their path. " My heart," he said, " beats with emotion as I watch my little subjects, ferret out their secrets, and pass hours of oblivion in the happiness of learning."

He would bring his findings to the walnut table "spotted with ink and scarred with knife-cuts, just big enough to hold the inkstand, a halfpenny bottle, and his open note-book." From sixty to ninety, when most men look for repose, Fabre did most of his writing. He toiled over his books with meticulous care. "As though I had a long future before me," he said at eighty, " I continue my researches into the lives of these little creatures. The outer world scarcely tempts me at all; surrounded by my little family, it is enough for me to go into the woods from time to time, to listen to the fluting of the blackbirds. Away with repose! For him who would spend his life properly there is nothing like work."

He was ninety when a friend broke the news to him that the people of France were going to erect a statue of him in a nearby spot. " Well, well," he said, " I shall see myself, but shall I recognize myself? I've had so little time to look at myself." " What inscription do you wish on the statue?" " One word: *Labor!*" Did it take courage to pursue his little subjects in their tortuous and mysterious ways, tracking them down in hole and burrow, working twelve to fifteen hours a day for ninety years? Try it and see.

LOUIS PASTEUR.

The name which towers up most impressively in all medicine is that of Louis Pasteur. Of him alone can it be said that he laid the foundations for several distinct branches of science. He is the founder of physio-chemistry, the father of bacteriology, and the inventor of bio-therapeutics. His whole life is a story of intellectual courage, the courage to assault the foes of ignorance and superstition which darken the human mind.

He spelled that courage out in a life of unremitting toil, the fruits of which are growing with the passing years. The lodestar of his whole life was work. "Work, work always," was his favorite motto. On his deathbed he turned to the pupils who were keeping their vigil over the master's last hours. "Where are you?" he asked. His hand groped out in the darkness that was closing in upon him. "What are you doing?" Then he ended with his favorite words: "It is necessary to work."

At the inauguration of the Institut Pasteur in 1888, the famous scientist closed his address with the following words: "Two opposing laws seems to me now in contest. The one, a law of blood and death, opening out each day new modes of destruction, forces nations to be always ready for the battle. The other, a law of peace, work and health, whose only aim is to deliver man from the calamities which beset him. The one seeks violent conquests, the other the relief of mankind. The one places a single life above all victories, the other sacrifices hundreds of thousands of lives to the ambition of a single individual.

"The law of which we are the instruments strives even through the carnage to cure the wounds due to the law of war. Treatment by our antiseptic methods may preserve the lives of thousands of soldiers. Which of these two laws will prevail, God only knows. But of this we may be sure, that science, in obeying the law of humanity, will always labor to enlarge the frontiers of life."

Pasteur's work in developing vaccines, which give immunity from infectious diseases, has saved the lives of countless human beings. His discoveries practically eliminated the recurring epidemics of chicken cholera and anthrax. Thomas H. Huxley estimated that the monetary value of his discoveries in these fields of animal husbandry was sufficient to cover the whole cost of the war indemnity paid by France to Germany in 1870. In every country of the world, human lives are being rescued daily from the fangs of deadly infections by his far-reaching discoveries in bacteriology.

During his lifetime honors came to him from virtually every civilized country in the world. They did not impair his childlike humility. His faith in God was absolute. "The more I know," he wrote in a letter to his children, "the more nearly is my faith that of the Breton peasant. Could I but know all, I would have the faith of a Breton peasant's wife."

He saw in the laws of nature, which he deciphered, the finger writing of God. Over his tomb in the Institut Pasteur are inscribed the following words from one of his addresses, wherein he summarizes his philosophy of life: "Happy the man who bears within him a divinity, an ideal of beauty and obeys it; an ideal of art, an ideal of science, an ideal of country, an ideal of the virtues of the Gospel."

Isaac Newton.

The intellectual courage which enabled Fabre and Pasteur to concentrate with such vigor upon their search for truth, fighting off for long periods the claims of the body for food and rest is evident likewise in the life of Sir Isaac Newton. When he was absorbed in his problems of mathematical physics, the great discoverer of the law of gravitation would work with unremitting application over such long periods as to cause his friends to worry over his health. His servant reports that when his master was thus preoccupied, he would open the little window in the door of the study and insert a tray of food. When he would come back in the evening he would open the window only to see the previous tray still untouched.

All day long his master was laboring over his desk, working out the principle which holds every particle of the universe, from a grain of sand to the farthest star, in the marvelous network of universal law. This would continue for weeks at a time. Newton himself reports that there were considerable periods of time when he averaged scarcely one hour of sleep per night. Here is stamina, grit, pluck, fortitude, courage, not of the muscles, but of the mind.

Like Pasteur, Newton was a profoundly religious man, and drew much of his courage and strength from union with God in prayers. Toward the end of his life, after many honors had been showered upon him, a friend remarked, "What a comfort it must be to be able to look back over a life of such epochal achievements. In discovering the law of gravitation, you have laid the foundation for both physics and astronomy. You have pushed back the boundary line of the unknown and have brought new worlds under the reign of law. You have every reason to be proud." "On the contrary," replied Newton, "I must confess to a feeling of profound humility in the presence of a universe which transcends us at almost every point. I feel like a child who while playing by the seashore has found a few bright colored shells and a few pebbles while the whole vast ocean of truth stretches out almost untouched and unexplored before my eager fingers."

Upon his tomb might well be carved the following tribute to a courageous and reverent soul:

> For his was not the cold philosophy
> Which, finding Law throughout the universe,
> Believes the world drives on beneath the curse
> Of soulless Force and blind Necessity;
> But, reading still above the unfolded Law,
> Love's revelation touched his soul with awe.

JOHN A. O'BRIEN.

University of Notre Dame.

PENNIES COLLECTION AND OTHER FREE-WILL OFFERINGS IN THE CODE OF CANON LAW—III.

IT is a well-known fact that in many instances not only Catholics, but also people of other creeds make quite often substantial gifts and various offerings to our churches. As long as they give them with the purpose for the church, such offerings are also church property.[44] The reason is that those donations are made for the divine cult and cannot be alienated or used for any other purpose without defrauding their pious intention, for instance, a piece of land is donated by a non-Catholic for the sole purpose of erecting thereon a church, a school, a Catholic cemetery; or some generous protestants donate lumber, bricks and other building-material for the erection of a church, school, Sisters' house, etc. In some instances, our non-Catholic friends gladly subscribe a certain amount of money *for church purposes* and, although sometimes from a merely political or business-like motive, nevertheless, their offerings and donations "*for the church*" acquire the canonical status of church property. This had been often defined by various decrees of the Apostolic See,[45] and also by the Fathers of the Baltimore Plenary Councils.[46] And in order to safeguard the donor's pious intentions in making such donations, offerings and legacies in behalf of the respective parish unit, and preclude all unscrupulous attempts of his relatives to frustrate such a pious intention, the Fathers of the aforementioned Third Plenary Council of Baltimore insisted that all church property should be properly deeded and incorporated according to the prevailing civil laws of the respective State of the Union so as not to jeopardize the tenure of church property.[47] The same Third Plenary Council of Baltimore also ruled that all church property must be deeded and the title thereof made out in the name of

[44] C. 3, C. XII, q. 2.

[45] Cfr. Leo XIII, const. "*Romanos Pontifices*", 8 maii 1881. *Collect. S. C. de Prop. Fide*, n. 1552 (vol. II, 152-153).

[46] *Conc. Baltimor.* III, n. 265. Cf. also: *Conc. Baltimoren.* II, n. 187.

[47] *Conc. Baltimoren.* III, nn. 266-269.

the local Ordinary who alone is the legitimate administrator of all church property within the limits of his territory.[48]

A Sacred Patrimony.

Patrimony according to Forcellini [49] is derived from pater and denotes a right or estate inherited from the father; in a broader sense, however, it signifies goods accumulated from various sources. According to our American terminology it means right or estate inherited from one's father or ancestors; heritage; a church estate or revenue ".[50] In our present discussion we assume the latter meaning of the term in conformity with the definition given by Du Cange,[51] because all the collections taken up in church,[52] all donations, legacies and manual gifts given *for church purposes,* whether by the faithful or non-Catholic donors, accrue to the church's real estate and temporal goods of the respective church unit, and must be considered church property in the full and canonical meaning.[53] For this reason, whatsoever our forefathers gave with a generous heart, inspired by a pious intention and with such a great sacrifice *for church purposes,* and our pioneer bishops and priests accumulated around and for their first, primitive and tiny houses of God, and bequeathed it to their posterity, must be considered a sacred patrimony in the full rigor of the term.

By a Christian Inheritance.

Our American system of endowing the parish churches with sufficient funds for their upkeep and the entire parish plant, for the support of their clergy and other pious and charitable works in the form of collecting pennies and coins of various denominations on Sundays and holydays of obligation during Mass and other divine services, of soliciting contributions by a house to house canvass, and taking subscriptions of various kinds is in full accord with the Old Testament's tithes,[54] with the old and pious sentiment of the Jewish people of making offerings at the altar of Jerusalem, approved by Christ Himself,[55] of paying the didrachma[56] for the upkeep of the temple in Jerusalem,[57] of offering the first fruits to God [58] and of permitting the priests and levites to share a part of the sacrificial meats.[59]

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[48] *Ibid.*, n. 272. Cfr. also: Canon 1519, 1, where we find the identical wording.

[50] Webster's *Encyclopedic Dictionary,* s. v. *Patrimony.*

[49] Forcellini, Aegidius, *Totius latinitatis lexicon,* s. v. *patrimonium.*

[51] Du Cange, *Glossarium ad scriptores mediae et infimae latinitatis.*

[52] *Conc. Baltimoren.* III, n. 273.

[53] See footnotes n. 44 to 48.

[54] Cfr. Exodus, 2, 29-30; Leviticus, 27, 30-32; Deuteronomy, 26, 12.

This religious and deeply rooted sentiment for the upkeep of God's external cult and his ministers was transplanted from the Synagogue into the Church of Christ. By an explicit precept, Christ himself laid down the fundamental and general law regarding the support of the clergy by the faithful.[60] St. Paul promulgated it with due authority and in explicit terms.[61] Moreover, he also advocated collections in behalf of other poor christian communities to be taken up at divine services prior to his arrival.[62] So, then, it is evident that pennies and other small coin collections taken up on Sundays and holydays of obligation and all other contributions, made by the faithful *for church purposes,* came down to our times by a well-founded tradition and by a christian inheritance.

The first christians were also solicitous to provide the Apostles with suitable places for divine worship,[63] apart from the sacred places for this purpose in the catacombs at Rome.[64] In many instances, the Apostles and their successors celebrated Mass in private houses,[65] although we also find historical facts that a certain part of the house was set apart exclusively for celebrating the divine mysteries.[66] Due to the many and very violent persecutions, however, these churches [67] must have been simple and humble houses, not bearing any distinctive signs from other dwelling mansions so as not to arouse any suspicion on part of the pagan officials. There must have been nevertheless quite many of such " *domestic churches* " as they were usually called, because some Roman emperors, like Valerian (253-260) and Diocletian (284-305) ordered the *collegia tenuiorum* [68] and the churches of christians to be destroyed.[69] After the famous edict of Milan (313) by Constantine the Great,[70] he himself erected the principal basilicas at Rome,[71] and gave permission to the christians to erect churches. In fact, the great zeal of multiplying churches and oratories had to be checked by several ecclesiastical Synods.[72] In many instances, pagan temples and churches of the heretics were given to the Catholics and consecrated as Catholic churches.[73]

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[55] Matt. 5, 23.

[56] Cfr. Pope, *The Catholic Student's Aids,* pp. 290-291.

[57] Exodus, 30, 12; Leviticus, 27, 25. Cfr. also: Luke, 21, 1-4; Mark, 12, 41-44.

[58] Deuteronomy, 26, 2.

[59] Leviticus, 6, 25-29; 7, 1-10. See also: Pope, *op. cit.,* I, pp. 284-286.

[60] Luke, 10, 7.

[61] I Cor., 9, 13-14.

[62] I Cor., 16, 1-2.

[63] Cfr. Acts, 6, 42. See also: Acts, 12, 12-17; 16, 14-17; I Cor., 11, 22.

[64] *Catholic Encyclop.,* s. v. "*Catacombs*"; Marx, J., *Lehrbuch der Kirchengeschichte,* p. 63.

[65] Dionysius Alex. apud Euseb., *Hist. eccl.,* lib. VII, cap. 11, 12; Gesta apud Zenophilum (MPL., VIII, 727 sq.) a. 303.

[66] Cfr. Breviarium Romanum, die 12 iulii.

[67] Wernz-Vidal, *Ius canonicum,* IV, n. 353.

The first christians also provided the Apostles and their disciples with the necessary means for their sustenance by having all the earthly goods in common as the Acts of the Apostles tell us.[74] St. Paul glories that he worked with his own hands and was not a burden to the faithful.[25]

As a matter of fact, however, the support of the clergy and the upkeep of the divine cult depended upon *the free-will offerings of the faithful.* All the revenues and alms were under the vigilance and administration of the Bishop and were divided into three or four parts, namely, for the Bishop and the clergy, for the church plant, and for the poor.[76] And this church support system, inherited from the Apostles and the first christians, in regard to acquiring and administration of church goods was conserved up to the sixth century.[77]

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[68] Civil corporations whose aim was to provide a decent funeral for the poor and slaves. Cfr. L. 20. D., *de rebus dubiis,* 34.5; L. 85. D. 50.16, *de verborum significatione.*

[69] Eusebius, *Hist. eccl.,* lib. VIII, cap. 2.

[70] *Op. cit.,* lib. X, cap. 5.

[71] Cfr. *Brev. Rom.* in festo S. Silvestri Papae.

[72] Cfr. e. g. C. 26, D. I. *de consecr.* (c. 48, Conc. Carthag. V, habito anno 401); c. 10, C. XVI, q. 7 (c. 17, Conc. Aurel. I, anno 511).

[73] C. 21, 22, 23, 24, D. I. *de consecr.*

[74] Acts, 2, 41-46; 5, 32-37; 6, 1-11.

[75] Acts, 20, 33-34.

[76] Cfr. c. 23, 26, 27, C. XII, q. 2.

[77] Cfr. c. 5, 7, 8, C. X, q. 1; c. 23, C. XII, q. 1.

Beginning with the sixth century, frequent cases occurred when a piece of land was donated for a personal use of the clergy.[78] This form of supporting the priests was quite common in France [79] and in Spain.[80] Finally Pope Symmachus permitted (in the year 513) that the clergy may be the recipients of ecclesiastical goods with a right of the usufruct (*iure usufructuario*) [81] This right of receiving stable incomes was permanently connected with an ecclesiastical office, and from the ninth century on this form of supporting the clergy was called "*beneficium*".[82] Such way of endowment was practiced first in behalf of rural churches connected with the spritual care of souls (*cura animarum*),[83] and later on also a division was made between the *mensa episcopalis* and the *mensa capitularis*, by assigning each member of the Cathedral Chapter a distinct *praebenda.*[84]

Inauguration and Development of Our American Ecclesiastical Law.

The Catholic Church in the original thirteen United States of America up to the National Convention of Philadelphia in 1787 had a hard, adverse and striving beginning among the many and bitter sects of protestantism in this newly founded country.[85] It was precisely at this National Convention of Philadelphia in 1787 where religious liberty was granted to all. Maryland, Pennsylvania, Virginia and Delaware had removed the disabilities against Catholics.

The Catholic population, mostly rural, was generous to the church and hospitable to the priests. We find many deeds and bequests for ecclesiastical purposes in the early records. Enduring one hundred years of persecutions from the Protestants to whom they had offered asylum, proscribed, disfranchised, offered peace and emolument in exchange for apostacy, the Catholics generally continued faithful, and it is inspiring to read the list of Catholic names that survived the dark days.

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[78] Cfr. c. 23, C. XII, q. 2.

[79] C. 7, 8, C. X, q. 1; c. 1, C. X, q. 2.

[80] C. 4, Conc. Tolet. II (a. 527-531).

[81] C. 61, C. XVI, q. 1; c. 24, 25, C. XXIII, q. 8.

[82] C. 9, C. I, q. 3, c. 25, C. XXIII, q. 8.

[83] C. 25, C. XXIII, q. 8 (ex cap. 50 Conc. Wormaciensi, A. D. 858).

[84] C. 8, X, *de concessione praebendae et ecclesiae non vacantis,* III, 8. See also: cap. 2, s. h. t. ex Conc. Lateran. III, anno 1179.

[85] Cfr. *Cath. Ency.*, s. v. "*Baltimore*".

On 26 November, 1784, according to a report made out by Father John Carroll, who was made Prefect Apostolic on that date, there were 15,800 Catholics in Maryland (of whom 3,000 were negroes); 7,000 Catholics in Pennsylvania; 200 in Virginia; 1,500 in New York.[86] In 1782, the total population of Maryland was 254,000.[87]

Speaking of this period in 1790 Bishop Carroll said: " It is surprising that there remained even so much as there was of true religion. In general Catholics were regular and unoffensive in their conduct, such, I mean, as were natives of the country ". But he complained bitterly of the injury to the Faith caused by those Catholics who came to the colony about this time.[88]

The Catholic hierarchy in the United States had also a very small and toilsome beginning.[89] It was in many respects similar to those hardships with which the Apostles and their immediate successors were confronted in the early ages of the Catholic Faith.

Small, tiny frame-structures served as chapels for the Catholic communities. The clergy was, in general, self-supporting. Most of them, even the Jesuits, had a piece of land so as to secure their sustenance. There were twenty Jesuits on the Maryland mission at the time of their Order's suppression (1773), who all remained at their posts.[90]

When Father Carroll became Prefect Apostolic, he had twenty-four priests under his immediate jurisdiction, that is, nineteen in Maryland and five in Pennsylvania. Father Carroll made his first visitation in Maryland in 1785, and administered confirmation. About this time he took up his residence in

[86] This report was apparently made by Father Carroll in response to a request of the Sacred Congregation and bears the title " *Relatio pro Em.m. Cardinali Antonelli de statu Religionis in Unitis Foederatae Americae provinciis;* which he forwarded to His Eminence through the Chevalier de la Luzerne, French Minister Plenipotentiary at New York. *Catholic Historical Review,* VI, 45.

[87] The *Cath. Ency.*, II, 229.

[88] *Ibid.*

[89] Father Carroll received his appointment as Prefect Apostolic on November 26, 1784. His predecessor, Rev. John Lewis, acted only as Vicar-General of the Vicar Apostolic in London.

[90] *Cath. Ency.*, vol. III, 381-383.

Baltimore, where the Rev. Father Sewell was pastor. Five years later on (August 15, 1790) he was consecrated as first Bishop of Baltimore, subject to the Roman Congregation of the Propaganda, thus inaugurating the Catholic hierarchy in the United States.

With the establishment of a diverse hierarchy on American soil, it was only natural and proper that also a new set of canonical regulations and synodal enactments be drafted for the Infant-Church in the United States. Heretofore, the Jesuit missionaries were guided by their own Religious Constitutions and the general laws of the Church. As a fact, however, heretofore there were no ecclesiastical goods (*Ecclesiae bona temporalia*) in the strict sense of Canon Law,[91] no specific synodal regulations concerning the upkeep of the divine cult and the support of the clergy, no canonical provisions concerning the acquisition, administration and alienation of church property due to the hostile sentiments of the Protestants in the various States.[92]

By virtue of the laws in the United States, Churches cannot possess, unless they are incorporated by the Legislature of the State in which they are, and by means of this act of incorporation all the material value of the church, the priest's house, the cemetery, and other goods belonging to the church is placed under the guardianship of the law, in order that they may be used for their destined purposes. For this reason, an act of incorporation is never in harmony with the law unless there be syndics or administrators for the same church property.[93]

The first steps taken in the United States to safeguard ecclesiastical holdings and prevent their passage into undue or unworthy hands were those at Whitemarsh, Maryland, drawn up by Father Carroll as early as 1782, under the name of "A Plan of Organization for The Clergy".[94] A General Chapter of the American clergy was convoked and held again at Whitemarsh, Maryland, on 27 June, 1783, with other meetings at infrequent intervals up to 11 October, 1784.

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[91] Cfr. Father Carroll's *Relatio pro Em.mo. Cardinali Antonelli.*

[92] Dignan, *History of the Legal Incorporation of Church Property in the United States*, pp. 24-45.

[93] Cfr. Guilday, *Trusteeism*, pp. 8-9. Zollman, *American Civil Church Law*, pp. 74-79.

[94] *Cath. Hist. Review*, VI, 207.

The Chapter of Whitemarsh passed *Regulations Respecting the Managements of Plantations.* These regulations constituted a set of rules embodied in eight sections, to consolidate the administration of the farms and other property which accrued to the Fathers with the passage of years. The members also pledged themselves to bring about the reestablishment of the Society of Jesus in the United States, with the consequent restoration of all its property. Members who would not re-enter the Society so re-established would nevertheless receive a comfortable maintenance whilst they continued to render the same services, and would be provided for as others in old age or infirmity.[95]

Canonical regulations, however, along the lines of temporal administration of Sunday collections and all other free-will offerings for church purposes were drafted into the Statutes of the First Diocesan Synod of Baltimore, which met on November 7, 1791.

Additional regulations on this matter were formulated in the course of time and enacted in all subsequent Provincial Councils of Baltimore,[96] and finally framed into the Decrees of the Second Plenary Council of Baltimore, without doubt, the greatest of all in regard to the codification of all the heretofore existing Synodal and Provincial Regulations.[97] The Third Plenary Council finally, after a period of eighteen years, revised them, abrogated some of them and changed some of them in accord with the latest Decrees of the Holy See, declaring them obligatory for the entire Catholic Church in the United States.[98]

Notwithstanding the promulgation of the Code of Canon Law for the entire Catholic World, the Decrees of the Second and Third Plenary Councils still remain in force as a "*jus particulare*" for this country in all canonical matters which are not contrary to the Code of Canon Law according to Canon 4.

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[95] Heston, *op. c.*, 24-28.

[96] Cfr. *Cath. Ency.*, II, 235-241.

[97] The Decrees of the Second Plenary Council are a monumental work. In it we find all the previous sources on which our distinct American ecclesiastical jurisprudence is based. It has been aptly styled a *Corpus Juris* for the United States.

[98] Cfr. *Conc. Baltimore*, III, "Titulus Praevius", p. 3.

Studies and Conferences

Questions, the discussion of which is for the information of the general reader of the Department of Studies and Conferences, are answered in the order in which they reach us. The Editor cannot engage to reply to inquiries by private letter.

PRIESTS IN THE CONFESSIONAL.

Once upon a time there was a child who in a moment of befuddled nervousness defined " priests " as " the chief mysteries of our holy religion." True it is that she left out some important words, but nevertheless more than one clerical gentleman would feel obliged to confess that her abbreviated definition, even as it stands, has some approximation to truth.

Priests are fascinating companions, because their academic background has given them a worldwide view of life and science and art. Their library tables will usually hold the latest periodicals, but their minds can soar upwards to mystical truths just as quickly as they can meander into sports or politics or warfare. Seminary professors who entertain vague ideas about the value of their own lectures would be reassured and delighted if they could only know the manner in which their opinions are quoted and expounded by former students.

They are usually exceedingly tolerant individuals, too, because they have read all about the clash of probable opinions. They may cling to their own views, but their immersion in four years of moral theology has taught them that viewpoints differ, and that errors may creep even into the safest books and soundest authors. Maybe this state of mind is not exactly the ideal condition, for it can induce all the errors that tolerance is prone to allow. Even so, they will argue that charity-without-truth is much better than truth-without-charity. They know enough about the axioms in the Book of Wisdom to realize that when a man argues for the sake of complete victory, he usually finds that he is very lonesome in his glory. Life has its way of punishing people who are cruel and bellicose, by ostracizing them from the happy concord of fellowship and friendship.

Some sapient soul has said youth is such a wonderful thing that it is a pity it is wasted on people who do not appreciate it. More than one priest has thought it a pity that moral theology and canon law should be confined to the younger years of one's life, too. Many a confessor has sat in the darkness of his confessional trying vainly to recall what his professor of bygone days had said about some vexing problem that has suddenly become urgently real and pressing. In days gone past he used to worry about his monthly and final exams, but in the confessional he is habitually taking an oral exam in all the theology he ever studied. The regular Saturday stint has an insidious way of making many a cleric wish he had studied moral theology better, because there is hardly a time when some new case or some new phase of an old one does not crop up. Lucky the cleric who lives in a house where priests discuss moral problems with tact, acumen and discretion. When several minds work upon the same problem, inevitably there will be a full expansion of all its important features. There is no " classroom attitude " in a rectory, and consequently there may be a fuller discussion of odd angles than one mere professor could excogitate. Happy the cleric who sits at the table of an older man who has brought science and skill to match his experience; and thrice blessed is that older man if he gives the benefits of his years and practice to younger minds.

Any rectory is sure to resound at some time or other with the familiar case of Peter burning Paul's house by mistake, thinking that it is really John's home. Some one is sure to say that no matter what moral theology says, Cardinal Newman was of the opinion that an English gentleman would feel obligated to repay. This, of course, gives an opening for saying that an English gentleman would not burn a house down, in the first place. 'Twouldn't be cricket!

Just as sure as this restitution case is discussed, so also is there sure to be a time when priests agitate themselves and others with questions allied to the *copia confessarii.* They may not know it expressly, but they are really trying to find subjective matter which will furnish an objective commentary on canon 807 of the *Codex Iuris Canonici.* A free and fulsome paraphrase of that law would be thus: Let no priest who is conscious of mortal sin on his soul celebrate Mass without a previous sacramental confession, no matter how contrite he may think himself to be. If, however, there is urgent necessity coupled with the lack of a confessor, he may elicit an act of perfect contrition and then celebrate Mass, but he is still bound to confess sacramentally within three days.

Believe it or not, there are some terms of this law which are not easy of agreement by everyone. The horror of saying Mass in mortal sin is obvious and apparent, and the law is wise in its insistence on sacramental confession " however contrite the man may think himself to be ". It is only when there is urgent necessity for saying Mass that he can use the extraordinary manner of recovering the state of grace, by making the perfect act of contrition; and even then when there is necessity of this kind, he should not proceed to the altar until it is certain that there is no proper and available confessor.

The stress is all on the need of sacramental confession, and the Church shows reluctance in allowing a priest to say Mass while unshriven. Many situations occur, however, in which there can be honest difference of opinion; and there can be times when even a good priest will wonder whether the terms of canon 807 are exceptions from a general law, to be interpreted strictly, in accord with canon 19, or rather a privilege, to be interpreted mildly, in accord with canon 68.

First consider the term *copia confessarii.* In careless English it would denote " a supply of confessor ", but in more precise terms it would indicate " an available confessor ". If, for instance, a priest needed to confess before Mass, but the only confessor available was a visitor from another diocese who lacked the proper diocesan faculties, there would be no duty to confess to this extern. To all practical purposes, this visitor has no canonical qualifications to hear and absolve the penitent.

From here on, there is a great coyness and shyness in commentators, as they try to decide when there is or is not a *copia confessarii* present. Generally there is the admission that shame and bashfulness do not excuse a sinner from telling his sins. In a conflict between the *sigillum* and the rights of selflove, there is no reason why the *sigillum* should not take full precedence. This is the law which confessors put upon their own penitents, and there is no good reason why it should not be the law to be placed upon themselves, too.

Imagine the case of a busy parish rectory where there are a pastor and several curates. If one of the priests should need to confess before Mass, would the law allow him to plead that there is no *copia,* when actually there are other priests in the same house who could shrive him if he asked? The answer seems to be in the negative, and rightly so. Would the same priest be allowed to plead that there is " practically no *copia* ", because his confession would be extraordinarily shameful and burdensome, since it would have to be made to one of his intimate daily confreres?

To say " Yes " to this quesiton would be the same as saying that no curate would ever be compelled to confess sins to his own fellow-curate in the parish; to say " No " bluntly would be such a strict reply that it would miss many of the favors of the law. The best answer seems to be in the distinction between what would be " ordinarily shameful and burdensome " and " extraordinarily shameful and burdensome ". It is expected that the task of confessing one's sins will involve some shame and embarrassment and chagrin. These features are innate in the notion of confession, and it would be futile to try dissociating them from the law. As a matter of fact, this shame can even become a salutary motive that deters some persons from sin, because they know full well that the deed will bring its embarrassing duty with it.

It does not seem, however, that the Church law wishes to bind a person to confess under situations which involve extraordinary difficulty or more-than-usual embarrassment. It is the sound opinion of most writers, therefore, that a priest-sinner would not be compelled to confess to a priest who was his blood-brother, because this would entail grave and exceptional embarrassment. Some authors are genial enough to admit a case where an elderly pastor would not be obliged to confess to his young curate in such a situation, because the hearing of a grave sin in such a reputable and staid cleric might weaken or under-mine the faith or morals of the young cleric. The same case could be somewhat reversed, too, and a young priest could apparently be excused from confession to an older pastor if there is evidence or experience to indicate that this senior cleric will show antipathy to the younger man.

Surely, then, it is clear that sometimes a confessor may be physically available, but morally non-available, either by lack of faculties or by his unsuitableness for the task of giving absolution then and there. Hand-in-hand with the liberality of the Church in not compelling an explicit confession in such cases there is the strict obligation of going to sacramental confession *quamprimum,* and that means within three days. No one is rash enough to think that this concession and condition allow full permission to say Mass again for three days, come what may. Rather is it a conditioned permit: Mass may be offered provided that the same conditions exist. If it is possible to see a confessor before three days, then the usual course of confession and absolution must be followed. A man who would postpone such confession for a long time, or even for a longer time than the three days allowed by the law, could hardly be presumed as excused from another grave sin, unless exceptionally serious conditions would justify him in delaying recourse to a confessor. Thus a missioner in the Arctic regions would have much more reason for delaying confession than would a priest located in the midst of a city; the inaccessibility of a confessor for the first priest in the polar regions is far different from the ease of access that city priests have. In the far-spread dioceses of the south and west, it might not always be easy to have access to a confessor within three days. Difficulties of travel and weather, and in these times, even the difficulty of gasoline rationing might force postponement for a longer time. The Church and the law would understand that, and it seems that these precise conditions motivated the genial concessions of the legislation. In a large city where transportation is easy and regular, there would not be the same constant right to postpone confession, unless a variety of peculiar conditions all totalled up to some kind of parallel difficulty.

It could happen, for instance, that a priest might be impeded from approaching a confessor because of the press of his regular parish duties, or by illness, or by any of the other situations of ordinary parish life. Even extrinsic causes may add up to a valid reason. Some housekeepers and doormen have been known to indulge in speculating conjectures when they saw priest-penitents coming to confession at unusual hours. Circumstances such as this are deplorable, as also are the persons responsible for allowing such things to continue, but in spite of that fact, they can still constitute moral impossibility of approaching a confessor. Some shame is intrinsic to the nature of confession, but this unusual shame and awkwardness can often rise to such a degree that it becomes extrinsic and overly burdensome.

A good confessor may sometimes wonder whether his penitents have acted rightly in judging the presence of exceptional and unusual difficulty. As a rule, the confessor will have only a *post factum* situation to adjudicate, anyway, and he can do little more than express to the penitent his opinion that such a delay of confession was unwarranted. A thousand circumstances may affect the life of a busy parish priest, but surely none is more important than the need of securing the state of grace. There is a priority in matters of moment, and there are situations where routine work can and should be sidetracked so that matters of true importance may be settled. There are times when even the best confessor will have to leave the final judgment to God, because it would take the Beatific Vision to adjudicate the true value of varied circumstances. There is something to be said in favor of those tantalizing details that seem too trivial for theology books to discuss, but which amount to giant hindrances when encountered by an earnest man. Any person would be unreasonable to deny that small circumstances can often create agony and anguish in a sensitive mind, just as the smallest particle of dust can become an infernal nuisance in an ordinary man's eye.

The rule ought to be, therefore, that all the circumstances of the actual case have to be considered; and even though moralists never discussed the value of specific details, this does not mean that the details are worthless. Probably there is herein an answer to the oft-posed question: what is a man supposed to do when the facts of a case run contrary to the " rule of the book "? In such an eventuality (and it is by no means as common as the arguments seem to think), the best rule is to judge the case on its own merits or demerits.

To go back to the question of whether a priest would ever be obliged to confess serious sins to another priest who is his confrere in community or parish life (in situations where there is need to say Mass and no access to a strange confessor), the usual reply must be in the affirmative. Gury (*Casus,* II, n. 288) held the opposite reply to be unthinkable at all times, because he said that once an exception is made, it will amount to a rule that a superior is never bound to confess sins to an inferior. He demanded confession on practically every occasion. Genicot (*Casus,* II, p. 214) is milder and more correct when he gives a more genial and friendly solution. He poses the case of a rectory where a pastor and curate live as co-workers. The pastor commits a serious sin, and in the morning he is faced with the duty of saying mass but also with the presence of only one confessor, and that one his young curate. The pastor feels " an invincible repugnance " towards confessing to this younger man, because he feels that life henceforth would be most burdensome if this younger man should manifest his disgust at any time in the future. There is no other confessor available, and actually the nearest one is an hour's distance away. Even Saint Alphonsus (1.6, n. 264) said there was no *copia confessarii* if the nearest priest is one or two hours distant.

Genicot maintains that the pastor is not to be accused of an additional sin in his voluntary refusal to confess to the curate in such a case. He does distinguish between the different kinds of repugnance, and he says rightly that not all pastors feel this " invincible " repugnance, though no doubt all of them feel " some " repugnance. Perchance in this case, (Genicot says) the pastor would have reason to fear that in all their future relations the curate would be seriously bothered and affected by the matter he heard and acquired in the confession.

It is right to conclude that if a pastor is thus excused from confessing to his curate, in the same conditions a curate would be excused from confessing to his pastor. If anyone were to ask the blunt question: " Could a curate ever be excused from confessing to his fellow curate? " perchance the same answer could be given. Ordinary repugnance to the act of confession would not be sufficient, because that is inherent in the very act of confession, and priests are the first to remind their penitents not to worry about human respect in the confessional. But it is easy to picture situations where curates might be so abashed and ashamed at the thought of making a necessary confession to another man in the same house, that immediately there would be an extraordinary repugnance to confession under those precise circumstances. It is relatively easier to confess shameful sins to a strange confessor than to an intimate companion. Maybe that is not the liturgical or the canonical way to feel, it is true; but it is the way ordinary people feel and act.

A good confessor will not be a weakling, afraid to give some words of advice and encouragement to a confrere whose very attitude and bearing cry out for some words of counsel. A good confessor is no wolf, snarling at an unlucky man who has fallen into sin; he admires most deeply and sincerely the cleric who is not afraid or ashamed to confess sins at his knees, and he is always ready to help back upon his feet some depressed soul that has made a mistake and is now looking for a helping hand. A confessor who likes " to bawl people out " will find his own chickens coming home to roost when he finds that he himself has fallen into sin, and he himself has to confess. Then he will know that mercy is better than justice, and that a kind word of encouragement is worth much more than a condemnation which the sinner all too fully realizes himself. A good confessor will always treat his penitents just as he himself would wish to be treated, if he were telling the same story himself. He will always remember that the seal of the confessional is the most important secret in the world, and he will cheerfully die rather than betray it. He will be " a lion in the pulpit, but a lamb in the confessional ", because that is the proper order of things. He will be stricter on himself than he is with others. He will never despise a man who acts oddly under stress, and he will always be ready to lend his hand and his heart to aid any *soggarth* who needs a bit of support. He always shows mercy, because thus he hopes to obtain mercy for himself.

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I wonder if many libraries, public or private, in the United States possess a copy of a book entitled *Vindiciae Hibernicae; or, Ireland Vindicated.* I hardly think so, for it was published in Philadelphia in 1819 and its author, as he tells us, was disappointed at the slight attention it attracted even in his native land. The author in question was Mathew Carey, the recent appearance of whose autobiography in a new edition is the occasion of this article.

The autobiography appeared originally in the form of a series of letters contributed month by month to the *New England Magazine* between July 1833 and March 1835, a few further letters being added in 1837, two years before the author's death. It was favourably reviewed at the time by no less a person than Edgar Allen Poe. Last year a new edition, or rather a lithographed reproduction of the original, was published by Eugene L. Schwaab[1] as *Research Classics No. 1.* It is the story of a remarkable man and a curious career. Perhaps a brief account first of his life and then of his book may be of interest to readers of this REVIEW.

Mathew Carey was born in Dublin in 1760. His father was a baker. He tells us candidly that in his early years he was "an extremely dull boy". That was not his only handicap at the outset of his career. His education was "extremely limited" being confined to the rudiments of the English language, a little arithmetic, and a smattering of Latin. Moreover, owing to an accident in early childhood, he was permanently lame, an infirmity which drew on him the ridicule of his companions. Hence a timidity and awkwardness which "grew with my growth and at every period of my life had a pernicious operation on my career". He was apprenticed to a bookseller named McDaniel, alias McDonnell, who proved a harsh and unsympathetic master. However this apprenticeship not only gave him a chance of educating himself but largely determined his future career.

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[1] His address is given as 3124 Avenue J., Brooklyn, N. York.

At seventeen he wrote his first literary attempt—an essay on duelling in which the practice then prevalent was severely condemned. It passed almost unnoticed. Not so his next effort, a pamphlet entitled *The Urgent Necessity of an Immediate Repeal of the Whole Penal Code against the Roman Catholics.* With his usual candour he tells us that, though he had read every book and pamphlet he could procure on the subject, the execution of the pamphlet was " quite puerile ". It might have attracted as little attention as his essay were it not for the fact that certain verses on the title-page and an address to the Roman Catholics of Ireland which he printed as an advertisement seemed to constitute a provocation to armed revolt. This at a time—1779—when the revolt of England's American colonies had begun, alarmed the Castle authorities and frightened the tame and timid Catholic Committee presided over by Lord Kenmare. Indeed matters became so hot for the luckless apprentice that a little holiday in Paris was thought advisable. There he met two men who were to have an influence on his after career; one was Benjamin Franklin, envoy of the revolted colonies, the other the Marquis de Lafayette who was to help the revolt to a successful conclusion.

When the storm had blown over Mathew Carey returned to Dublin and now took definitely to journalism. For a while he edited the famous *Freeman's Journal* which was to have a run of 161 years, ending only in 1924. That journal was too respectable and moderate for young Carey: he wanted something more militant. At that time the great Volunteer movement, which in 1783 culminated in the declaration of independence of the Irish Parliament, was at its height. So Carey started the *Volunteer Journal* or *Irish Herald* in October 1783. Some years ago when writing a book on the Press in Ireland I had occasion to run through the files of this newspaper. Shortly afterwards I was puzzled to come across the files of another with a similar title published at almost the same date, viz., the *Volunteer Evening Post.* The second paper seemed to be equally concerned with the Volunteers but from a curiously different angle. Perhaps I may here quote what I wrote about them (P. 22):—

" It is interesting to compare the careers of these two papers. The former opens with a fine address: ' At such a critical period as the present, when, notwithstanding the glorious efforts of the

Volunteers of Ireland, the attainment of the important objects for which we have been so long contending is rendered doubtful by corrupt intrigue . . . little apology need be made for offering to the public a new patriotic paper.' In June 1784 we find it saying: 'When the men of Ireland forget their destructive religious prejudices and embrace each other with the warmth of genuine philanthropy [typical eighteenth century!], then and not till then will they eradicate the baneful English influence and destroy the aristocratic tyrants of the land . . .' This sentence is printed in each subsequent number. And this attitude was maintained throughout. The *Volunteer Post* at the outset is vague and windy in its patriotism. It pays tribute for a time to the Volunteers. But soon there are sneers at the patriots, at the ' factious press ', the scribblers. On Dec. 18th 1783, proclamations of the Lord Lieutenant are published. Gradually the Volunteers are dropped and the paper is filled with fulsome adulation of the Administration. Orde and Rutland are its heroes. Government money had done its work."

Carey tells us that this paper was set up under Government auspices for the express purpose of killing its rival. The latter lasted till 1786. But long before that it had aroused the wrath of the Castle and Carey was denounced in Parliament as a dangerous agitator. He was arrested and imprisoned, but, owing to some legal hitch and probably also to the fear of the excitement to which his trial would give rise, he was not brought to trial. This time, however, his father and his friends decided that his absence, and indeed his permanent absence, from Ireland had become expedient.

Accordingly in September 1784 he sailed disguised as a woman for Philadelphia. There he landed " with about a dozen guineas in my pocket, without relation or friend, and even without an acquaintance." He was destined, however, to find a generous friend to start him in his new life. The Marquis de Lafayette who happened to be in Philadelphia heard of his arrival, sent for him, and received him with great kindness. Next morning when he was at breafast a letter was handed to him. It contained $400. He wrote to Lafayette expressing his gratitude and received from the hero a very kind and friendly answer.

I do not propose to follow out Mathew Carey's career in detail. That would carry us far beyond the scope of an article.

I must content myself with pointing to some of its salient features. It is curious that nowhere in the Autobiography, so far as I could see, is there a plain hint as to Carey's religion.[2] Perhaps he thought it superfluous to state that he was a Catholic since the fact was well known to his contemporaries. The *Catholic Encyclopedia* states the fact plainly. He had been in America only a few months when in January 1785 he launched the *Pennsylvania Herald* as an organ of the Constitutional Party. In it he began to publish the debates of the House of Assembly as taken down by himself. This new departure gave the paper a large circulation. He and his paper were then attacked by the organ of the Republican party edited by a certain Col. Oswald. Before long matters waxed so hot between them—Carey was never a man to tone down his feelings or to mince his words—that, by an odd irony the denouncer of duelling found himself facing the fiery Colonel with a pistol in his hand—for the first and last time, be it said. Carey escaped with a severe wound in the leg. After the *Pennsylvania Herald* came other journalistic ventures—the *Columbian Magazine* and then the *American Museum*. There was no money in all these and Carey was always on the verge of bankruptcy. But he cared little so long as he could advocate the causes that were near his heart.

Most of these were such as have but slight appeal for us at this distance of time: they were concerned with American, and for the most part local, politics and economics. He was an advocate of protection and published innumerable pamphlets on the subject. He advocated, not without noteworthy success, the development of American waterways. He sought to allay the virulence of party spirit by his once famous *Olive Branch* which ran through ten editions in a year and a half and is said to have averted civil war in 1814. As he says of himself, justly enough: " his purse, his pen, his efforts, and his tongue were rarely withheld from objects of public utility."

But though he continued to write for the press and to bring out an almost continuous stream of pamphlets, his life-work was as a publisher, the first prominent Catholic in the publishing trade in the United States. In publishing as in all else he was what some might call Quixotic. He thought first of the glory of the work, the needs of the public, the propagation of ideas, and the advancement of causes. Business considerations came a long way after. He managed nevertheless to support his wife (whom he married in 1791) and his nine children, but it was at the cost, as he himself tells us, of " indefatigable industry, rigid punctuality and frugality "—virtues for which Irishmen in the home country are not always remarkable. One of his ventures as a publisher was the foundation in 1801 of a Book Fair in imitation of the long-established book fairs of Frankfort and Leipzic. Ireland had to wait another 140 years or so for her first book fair. Carey's enterprise succeeded at first but, for reasons which he gives on P. 50, it was abandoned after four or five years. Among his publications was the first edition of the Douay Bible printed in America. It appeared in 1790. In his Autobiography he says nothing of this Bible but gives (pp. 44 sq.) many details of a Bible, evidently Protestant, which he brought out in 1801, following it up with " the first standing edition of the English quarto Bible ever published."

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[2] His advocacy of the cause of emancipation can hardly be regarded as a sufficient clue since many of the advocates were non-Catholics.

All the activities so far mentioned and many others which I have not space to mention show in how thorough a fashion Mathew Carey had become a citizen of his adopted country. But he had not wholly forgotten his native land. In 1793, feeling for the sufferings and destitution of the Irish emigrants who were constantly arriving in Philadelphia, he called a meeting of representative and influential Irishmen and with them founded the Hibernian Society for the relief of emigrants from Ireland. He acted for many years as the Secretary of this Society. But that was not all. There came into his hands in 1817 a novel entitled *Mandeville,* written by the celebrated William Godwin, in which the Rising of 1641 in Ireland is depicted in the darkest colors. Carey's wrath was kindled. He determined to publish an all-round vindication of his country against her traducers. The result was *Vindiciae Hibernicae.*

A copy of this rather scarce book lies before me as I write. The title-page reads as follows:—" Vindiciae Hibernicae: or, Ireland Vindicated: an Attempt to Develop and Expose a Few of the Multifarious Errors and Falsehoods Respecting Ireland in the Histories of May, Temple, Whitelock, Borlase, Rushworth, Clarendon, Cox, Carte, Leland, Warner, Macauley [sic], Hume, and Others: Particularly in the Legendary Tales of the Conspiracy and Pretended Massacre of 1641." Philadelphia: Published by M. Carey and Son, 1819. Mathew Carey went about his work in characteristically thorough fashion. He purchased regardless of expense all the books connected with the subject that were to be had in America or in England. All of these he read through, marked the important passages, and employed secretaries to copy them out. The number of works quoted in his first edition was sixty and the number of quotations 596; in the second edition he made 1143 quotations from seventy works. These quotations are given in the exact words of the authors with references in footnotes to the places from which they are taken. To avoid the imputation of bias in favor of Catholicism or Irish nationalism in his quotations, he deliberately set aside the testimony of Irish Catholic writers such as O'Conor, Walsh, Curry, O'Halloran, O'Sullivan, Castlehaven, MacGeoghegan, etc., and drew only on Protestant historians, English or Irish.

Despite the numerous quotations there is a good deal of Mathew Carey in the book which by the way runs to xxxiv + 504 pages, and what there is is written with verve and vigour and at times a certain eloquence. But the author was aware that, though the materials of his book were sound, the execution was less so: he even describes it in his autobiography as " very deficient ". For, instead of finishing his MS. before sending it to the printer, he sent in what he had written each day. " Thus the MS written one day was in type the next throughout the whole progress of the work." Hence a certain want of order and regularity. Nevertheless he brings forward his proofs and makes his points well. In his Preface he sums up his conclusions under sixteen heads which it is worth while to set down here:

I. That the statement made by Temple, Clarendon, Warner, Leland, etc., that the Irish for forty years previous to the insurrection of 1641 enjoyed a high degree of peace, security, happiness, and toleration is a base and shameful falsehood. For

II. During this period there was hardly a Catholic in the kingdom who was secure in the possession of his property or in the exercise of his religion.

III. That during the same period the Irish were plundered by the government of nearly a million acres of their lands and by individuals to an extent beyond calculation.

IV. That O'Conally's pretended discovery of a conspiracy is one unvaried strain of perjury.

V. That there was no conspiracy for a general insurrection in Ireland on the 23rd of October, 1641.

VI. That the basis on which rests the story of the pretended massacre *by the Irish*, is a tissue of . . . falsehood and perjury.

VII. That the massacres perpetrated *on the Irish* by St. Leger, Monroe, Tichbourne, Hamilton, Grenville, Ireton, and Cromwell were as savage . . . as the horrible feats of Cortes or Pizarro, Attila or Genghis Khan . . .

VIII. That the Irish government issued an . . . order to slaughter " all men able to bear arms in places where the insurgents were harboured." etc.

IX. That the scheme of a general extirpation of the Irish. . . and a new plantation of the country was seriously entertained and for some time acted upon by the Irish rulers.

X. That the idea of a cessation of hostilities, whereby the Irish might escape from this projected plan of extirpation, excited an universal alarm in England and Ireland . . .

XI. That the Irish government left nothing undone to goad the Irish to resistance and to extend the insurrection throughout the Kingdoms, for the purpose of enriching themselves and their friends by confiscations.

XII. Comparison with 1776, 1789, etc.

XIII. That there is a striking contradiction between the facts of Carte, Warner, Leland, and the rest.

XIV. That in the Anglo-Hibernian histories of Ireland there is so much error and falsehood . . . that they are utterly unworthy of credit.

XV. That the seventeenth century in the British dominions was characterized by a succession of forged plots, resting on the basis of flagrant perjuries . . .

XVI. That the Irish code of laws, whose pretended object was " to prevent the growth of Popery ", was intended to gratify all the basest passions of human nature . . . and that it organized as tyrannical an invasion of liberty and as piratical a depredation on property and was covered by as base a cloak of hypocrisy as the annals of the world can produce.

Whether and to what extent the findings of later historians have confirmed or invalidated these conclusions is a question on which I do not propose to enter. Certain it is that the presentation of Irish history created by the historians whom our author attacks has persisted even to our own days, served up as if nothing had been proved against it.

For Mathew Carey may, I think, be fairly claimed an honored place among the defenders of his country against her detractors, a place along with Archdeacon John Lynch of Tuam and his *Cambrensis Eversus,* with Father Stephen White S.J., and his *Apologia pro Hibernia,* with Thomas Moore of the Melodies and his *Memoirs of Captain Rock,* with John Mitchell and his *Apology for the British Government in Ireland,* with Father Tom Burke O.P., scourger of Froude, down to Mgr. O'Riordan and Mrs. John Richard Green.

There is in the book a great deal more than the proofs of those sixteen points, for it ranges over the whole of Irish history. But this much must suffice for the moment.

In Carey's Autobiography, too, there is, besides the points I have touched on, much that is of interest. There is, for instance, the revelation of a strong, upright, public-spirited character, though the author is both candid and humble about his faults. One of these was an over-eagerness for controversy and a vehemence in carrying it on which, as in his clash with the great William Cobbett,[3] led him at times to the verge of physical combat. Sprinkled here and there in the book are a few sage aphorisms, the fruits of his experience, and some curious anecdotes and episodes.

Altogether, though there is much in the Autobiography that has perhaps lost its interest for our times, there is also much that retains its interest and value. I may add that, considering what is known *aliunde* of Carey, one notices in the Autobiography some curious omissions. One of them viz. the absence of mention of the Catholic Bible which he published, has been noted above. But indeed all his purely Catholic publications, such is the works of Bishop Hay, are unmentioned. There is no mention either of that painful episode of the time, the schism and controversy which centered in the person of the Rev. William Hogan, pastor of St. Mary's. Carey at first inclined to Hogan's side but later took sides strongly with the ecclesiastical authorities and wrote several anonymous pamphlets in support of them. Again we do not gather from the Autobiography the extent of Carey's private charities, which were many nor yet his remarkable prolificness as a writer. In this connection there is an amusing paragraph in Finotti's *Bibliographia Americana* [4] when in the body of the work, which is alphabetically arranged, he comes to the name Carey, he says:

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[3] This conflict led to the production of two satires or squibs about Cobbett entitled respectively *Plum Pudding for Peter Porcupine* (Cobbett's pen-name) and the *Porcupiniad,* written in Hudibrastic verse.

> So many new titles of Carey's publications are daily added to my manuscript that I have determined to devote a whole chapter to his name in the Appendix, else the printer will not get the copy for several months to come.

The Appendix is quite extensive. Between 1819 and 1833 Carey published fifty-nine pamphlets on the subject of protective tariffs alone. And there were few questions of the day on which he did not write.

We may conclude with words which Finotti wrote in his Appendix: "Mathew Carey is a household name in the United States as a printer, a bookseller, a poet, a writer, a publicist, an editor, a philanthropist, and a patriot."

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THE ENCYCLICAL "MYSTICI CORPORIS."

Qu. The new encyclical *Mystici Corporis* has left me rather puzzled. My difficulty is that I have seen nothing of the abuse of Penance nor anything against the efficacy of private prayer. On the contrary there seems to be good ground for fear of a kind of quietism. My observations lead me to believe that wherever we see this quietism it does not stem from the liturgical worship of the Church but from private devotions. In the carrying out of liturgical functions, especially Mass and particularly High Mass and the varying functions and processions associated with it there is no doubt about the meaning of the Mystical Body of Christ, or His work of atonement and mediatorship. We do not seem to think of His office of Supreme Judge—and just why are these two ideas contrasted in the Encyclical?

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[4] Published in 1872 in Boston.

To revert to quietism, and private devotions. It seems to me that the great danger of error comes from the preference given exposition, novenas and the like, where the idea seems to be "Jesus and I"—"Jesus is lonely in the Tabernacle". Surely this is a sort of quietism in marked contrast to a high Mass sung by the congregation. I think the climax is reached when a congregation to conclude a novena sings "Good Night, Dear Jesus".

My difficulties, then, are: Does this encyclical apply to America in the part denying the efficacy of private prayer and that which speaks of the discouragement of frequent confession? If it does, are not the Roman authorities misinformed?

While I have nowhere read or heard anything denying the efficacy of private prayer, I have read in several places in *The Liturgical Year* by Gueranger and elsewhere that some have put private prayer above corporate prayer and worship. I have always assumed that this is too often true, nor have I thought that to be error. Is not Gueranger an "approved author"? Let me quote briefly: "The prayer of the Church is, therefore, the most pleasing to the ear and heart of God, and therefore the most efficacious of all prayers. Happy, then, is he who prays with the Church, and unites his own petitions with those of this bride, who is so dear to her Lord that He gives her all she asks. It is for this reason that our Blessed Saviour taught us to say our Father, and not my Father; forgive us, not forgive me." (Advent p. 2.) ... "Each new generation increased in indifference for that which their forefathers in the faith had loved as their best and strongest food. Social prayer was made to give way to individual devotion." (p. 3.) Again (Time After Pentecost, Vol. 1, p. 321) "It is on this account, as we have already noticed, and cannot too strongly urge, that one should inveigh against the narrow-minded individualism which is now so much the fashion, of attaching more importance to the practices of private devotion than to the solemnity of those great acts of the liturgy which form the very essence of religion." I think that there are many who will appreciate enlightenment from the REVIEW.

I append a short quotation from Pope Pius X who started the Liturgical Revival in our day: "The primary and indispensable source of the true Christian spirit is the active participation in the most holy mysteries and in the public and solemn prayer of the Church."

Again Pius XI: "When the faithful assist at the sacred ceremonies ... they should not be merely detached and silent spectators, but ...

they should sing alternately with the clergy or the choir, as is prescribed."

Surely the above sentiments of the popes should be our norm and frankly while I have read much on the subject I have yet to see anything that could be interpreted as suggesting that private prayer is not efficacious, or that the Sacrament of Penance should be slighted.

Resp. Insofar as one may presume to interpret a document when he has not been able to study it in its original, he may offer certain reflections arising out of the difficulties experienced by the correspondent upon his learning of the condemnation in the Encyclical, *Mystici Corporis*, of certain errors arising from a perverted concept of the doctrine of the Mystical Body. It may be said in justification of failure to consult the original that the number of the *Acta Apostolicae Sedis* in which it presumably appeared is not available in this country.

The difficulties experienced by the correspondent seem to stem from three probable misapprehensions, subconsciously perhaps, operating on his conclusions. One says *subconsciously* because it can not be believed that had he adverted to the underlying misconceptions he would not readily have recognized them.

First, the principle *in medio stat virtus* is sufficient reminder that errors opposed to the true concept of a doctrine may in fact be opposed to each other. Second, the errors therefore have no necessary logical connection between them. Third, two contradictory errors may in fact give rise to a third error, which is identical in each case despite its diverse parenthood.

The correspondent's main difficulty is that, in his view, quietism stems rather from private prayer than from social prayer. The implication is that if the Encyclical condemns quietism, it should condemn private prayer rather than liturgical prayer. As a matter of fact, the Encyclical condemns neither, at least so far as the radio report of its contents suggests. Similarly, there appears to be in it no refutation of the quotations offered by the correspondent from Popes Pius X and Pius XI and from Gueranger's *The Liturgical Year* in favor of the excellence of liturgical prayer. But it does condemn quietism, whether it arises from an emphasis on private prayer or liturgical prayer; and it does condemn the attitude that denies value to private prayer. These errors are condemned as being opposed to the true concept of the Mystical Body; whether they are opposed to each other or mutually dependent, the Encyclical, insofar as one is aware, does not determine.

Nor does it indicate what connection there may be between the erroneous attitude that bestows only contempt on frequent confession and that which ignores the prerogative of Christ as Supreme Judge, to pray only to the Father. It condemns both as perversions of the true doctrine concerning the Mystical Body. It is true that one may regard both these attitudes as deriving from quietism, from an erroneous identification of one's self with Divinity; but the Encyclical condemns them in themselves, not because of their derivation. Indeed, it is silent as to their connection with quietism. It is conceivable that the contempt for confession could arise from an erroneous affection for the social aspects of public penance, an institute that was in practice, coterminous with mortal sin. So also an erroneous concentration of mind upon the social aspects of co-sacrificing with Christ in the Mass might blind the vision to the prerogative of Christ as Supreme Judge.

A doubt is suggested by the correspondent as to whether contempt of frequent confession and of private prayer exists in America and whether the Encylical, as to these matters, is applicable here. The Encyclical is universal. Whether or not the contempt indicated exists in America, the Encyclical warns against it, and that warning is surely applicable here as elsewhere. However, the tendency to such contempt may not be so foreign as your correspondent might believe. It is true, it is not found in print. But it appears occasionally in conversation. Strangely enough, or perhaps consistently enough, they who undervalue private prayer and they who minimize the importance of frequent confession belong in opposite camps.

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THE USE OF CONTRACEPTIVES.

Qu. John, a Catholic, is married to Bertha, a non-Catholic, and they have three children. The physician who attends Bertha advised and urged her to have no more children. Since John would not give his consent to sterilization, Bertha has insisted that John use artificial birth control devices. John wants to know whether it would be permissible for him to cohabit with his wife if she used the birth control device and not he, provided he exhausted every possible means of persuading her to cohabit in the natural way.

Some theologians permit a Catholic wife to remain passive if her Protestant husband insists on using a birth control device and provided she does not give her consent and she has exhausted all possible means of persuading him to cohabit naturally. It seems to me that perhaps this would also apply in the case of John and Bertha when Bertha asks for the marital debt, as John would not be any more the active agent than Bertha, and he could hold himself passive in performing the act.

Resp. Sacerdos is mistaken in supposing that " some theologians permit a Catholic wife to remain passive if her Protestant husband insists on using a birth control device." A wife may, it is true, for a good and serious reason, render the marital debt to or even seek it from a husband who habitually withdraws before semination.[1] Genicot says that in order to seek the debt from such a husband the wife should have a very grave cause,[2] but Davis thinks that the cause need not be a very grave one, but a reasonable one which is tolerably grave. The wife, of course, must not be the cause or occasion of the sinful action, nor may she consent to the same, and she is bound to express her disapproval.

On the other hand, the wife may never seek the marriage dues, nor even render them, when her husband uses a contraceptive device during intercourse, for such an action is intrinsically evil from its very inception. Indeed the wife of a man who uses contraceptive devices must resist his advances just as if she were a virgin being oppressed or raped, and only for fear of the greatest of evils to life or limb could she submit, and then there must not be any danger of consent to the pleasure therein.[3] This is the common and true teaching of theologians,[4] confirmed by a response of the Sacred Penintentiary, of June 3, 1916, cited by Marc-Gesterman [5] and by Cappello.[6]

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[1] Davis, *Moral and Pastoral Theology*, I, p. 348; IV, p. 258.

[2] Genicot, *Institutiones Theologiae Moralis*, II, p. 501.

Contraception may be effected on the part of the woman in many ways, by the use of vaginal suppositories, birth-control jellies, tampons, diaphragms or portia caps, pessaries, sponges and the douche.[7] When copula is properly performed, and the woman afterwards uses a douche to expel or destroy the spermatozoa, it is lawful for the husband to cooperate in the act of intercourse, provided there is a just cause for so doing, since the destruction of the seed is only accidentally referable to him.[8] If, however, some preparation is used immediately before copula to rob the fertile element of its vital power, or some instrument is inserted into the vagina to prevent the seed from reaching the uterus or the tubes where conception ordinarily takes place, the husband may not have intercourse with the wife.[9]

Davis says of the above that it is the true opinion, although some hold the contrary.[10] As an example of the contrary opinion he refers us to Merkelbach,[11] against whose opinion Davis says that such an act of intercourse is unnatural, and that nature abhors a copula in which the man seminates against some artificial obstacle, although the seed is placed in the vagina.[12]

On this subject Merkelbach writes:—

> " When a wife uses an occlusive pessary or other means to prevent conception, the husband must use his marital authority to forbid such actions and to turn the wife away from the same. If possible, he must seize and destroy such contraceptives. If, however, this would

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[3] Noldin, *De Sexto Praecepto*, p. 78; Genicot, II, p. 501; Connell, art. "How must the Confessor deal with an Onanist? ", ECCLESIASTICAL REVIEW, vol. CVII, pp. 55 seq.

[4] Prümmer, *Manuale Theologiae Moralis*, III, p. 497.

[5] Marc-Gesterman, *Institutiones Alphonsianae*, vol. II, p. 623.

[6] Cappello, *De Sacramentis*, vol. III, p. 870.

[7] Rochelle-Fink, *Handbook of Medical Ethics*, p. 66.

[8] Cappello, III, p. 869.

[9] *Ibidem.*

[10] Davis, IV, p. 260.

[11] Merkelbach, *De Castitate et Luxuria*, pp. 115 seq.

[12] Davis, IV, p. 260.

> be of no avail, and he fears grave inconveniences, some think he can ask for and render the debt as long as he holds himself merely materially and passively regarding the prevention of conception.
>
> "However, material cooperation on the part of the husband would be illicit, if the wife used a pseudo-vagina, because then the action would be from the beginning an evil one.
>
> "On the contrary, material cooperation would probably be licit, if the wife used a contraceptive powder by which the seed is killed, or a vaginal douche by which she attempted to expel it from her body, because then the action and the woman's genital organs substantially remain the same, the act is properly performed, the seed is deposited in the proper receptacle, and the malice is not in the 'modus agendi' but is independent from and posterior to the act and imputable only to the woman.
>
> "If a sponge is used, or an occlusive pessary, we do not dare say whether or not the same reason avails, but let wiser men see to it. Hence, in practice, until the Church pronounces otherwise, the man can be absolved provided he is prepared to obey the mandates of the Holy See." [13]

Merkelbach at first sight might seem to present greater liberty than other writers to the husband of a woman who uses contraceptive measures. However on examination it will be found that his opinion agrees in all but one point with that of the other theologians studied. He declares intercourse with a woman using a pseudo-vagina illicit, and intercourse with a woman who afterwards uses something to expel or destroy the seed lawful, provided the husband disapproves of such an action. He differs only in leaving to wiser men the question of the use of the occlusive pessary or sponge, saying that the husband can be absolved until the Church pronounces otherwise.

On this last point several theologians definitely teach a contrary opinion. Noldin says in just so many words that a husband who knows his wife uses a pessary must demand its removal, and that he cannot induce a wife using a pessary to have sexual

[13] Merkelbach, p. 115.

congress: moreover, he declares that a man cannot be simply passive in the matter of sexual relations.[14] Cappello is of the same opinion,[16] and Davis corroborates, stating that such copula is unnatural.[15] The very reason Merkelbach offers to prove his point rather seems to prove the assertion of Noldin, that in this matter the man cannot be merely passive. Merkelbach says that it is not an objection to his opinion that if it is illicit for the woman to have intercourse with a man using a condom, by equal right should it be illicit for a man to cooperate with a woman who uses a similar instrument, for although their rights are equal, their parts in the action are not, for the greater part pertains to the man and he can therefore more easily cooperate with the woman than the woman can with the man. But that is just the point: the parts of the man and the woman are unequal; the part of the man is active while the part of the woman is passive. A man is potent only if he can sustain an erection, penetrate his wife's body and seminate therein true seed, i. e., seed elaborated in the testicles, while a woman is considered potent, even though she lacks ovaries or uterus or both, provided she has a vagina which can be entered by her husband.

It can therefore be concluded that:—

1) A wife may for a serious reason render the debt to, or even seek the same from, a husband who habitually withdraws, provided she expresses her disapproval of his action.

2) A wife may not ask for the marriage dues nor render the same to a husband who uses contraceptive instruments.

3) A husband may never ask the marriage dues nor even render the same to a wife who uses contraceptives during intercourse.[17]

4) A husband may have intercourse with a wife who afterwards uses a douche to expel or destroy the seed, provided he has a just cause for so doing and does not consent thereto.[18]

JOSEPH A. M. QUIGLEY.

Overbrook, Pennsylvania.

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[14] Noldin, p. 78.

[15] Cappello, *De Sacramentis*, III, p. 869.

[16] Davis, IV, p. 260.

[17] Davis, I, p. 348.

[18] Cappello, III, p. 869.

TO BE SURE.

A renaissance was she in black and white
Of days that breathed old lavender and lace.
The mercury was high as living costs,
Her age but haloed her Victorian grace.

'T was Sherman Square, New York, this year and day,
She paced the Safety Zone then bathed in sun.
A Roman priest she met upon her way
Whom she embraced as boon her faith had won.

" Dear Doctor of Divinity," she purred,
I would that you to me God's truth would tell;
Does your revered and ancient Credo teach
That it is hot as here deep down in hell? "

The priest her soul's humidity beheld
Within her misty eyes, and spoke forthright,
" Dear daughter, you might go there to be sure! "
She smiled, " Refreshed am I, and on my way; alright."

John Bernard Kelley.

IN DEFENSE OF SACRED MUSIC.

Among the most emphatic declarations of the Church in recent years are those that treat of sacred music and its function in the services of the Church. It is to be regretted that these instructions are not better known. A mere superficial reading of the *Motu Proprio* of Pope Pius X and the Apostolic Constitution of Pope Pius XI is not enough. These famous documents are so worth-while that they deserve a careful reading. We can only know the position of the Church on this subject when we finally become familiar with these splendid instructions and may I add, that only then, will we be able to think correctly, to talk accurately and to act accordingly on the subject of Sacred Music.

First of all, we have the official definition of sacred music, that is, music which we are expected to hear in a Catholic Church and which has been well defined by ecclesiastical authority. In the *Motu Proprio*, we read that sacred music is in class by itself. It " must be holy, and must therefore, exclude all profanity not only in itself, but in the manner in which it is presented by those who execute it." It may not be worthless from the musical standpoint. It must have real musical merit. The Church takes care of this when she says: " it must be true art." In regard to the first and second kind of sacred music, Gregorian Chant and classic polyphony, there is no problem in the selection, since all compositions of these distinctive types measure up to the authoritative definition of sacred music.

The difficulty is at once seen in the selection of the third class of sacred music, namely modern music. That caution is necessary here is clear from the instructions in the *Motu Proprio.* " Since modern music has risen mainly to serve profane uses, greater care must be taken with regard to it, in order that the musical compositions of modern style which are admitted in the Church contain nothing profane, be free from reminiscenses of motifs adapted in the theatres, and be not fashioned even in their external forms after the manner of profane pieces."

It is easy to see that the Church's definition of sacred music also extends to organ music. This is indicated in the *Motu Proprio*, VI, 18. " The sound of the organ as an accompaniment to the chant in preludes, interludes, and the like must not only be governed by the special nature of the instrument, but must participate in all the qualities proper to sacred music as above enumerated." After speaking of the human voice and its excellence in expressing thought and offering up prayer to God, the Apostolic Constitution speaks of the organ as " a worthy adjunct to the liturgy." However, " the mixture of the profane with the sacred must be avoided." We are warned furthermore that " attempts are being made to introduce a profane spirit into the Church by modern forms of music." The instruction concludes as follows: " Let our churches resound with organ-music that gives expression to the majesty of the edifice and breathes the sacredness of the religious rites; in this way will the art both of those who build organs and of those who play them flourish afresh, and render effective service to the sacred liturgy."

After recalling these official statements of the Church we have reason to wonder how any Catholic can countenance the playing of Lohengrin's Wedding March or the rendition of any other selections of the secular or operatic type in the services of the Church. Some have said that the whole matter is a question of interpretation. This is a subterfuge. These important decrees of two great Popes were not written to be interpreted by the individual. They were written for the purpose of " promoting the decorum of the House of God." The employment of a simple syllogism is all that is needed here. It is certain from the official instructions of the Catholic Church that operatic music, vocal or instrumental, is unfitting and forbidden in the Church. The Lohengrin's Wedding March was written for an opera and is played in an opera. Therefore, it is forbidden to be used in the Catholic Church. This way of reasoning should certainly satisfy and convince any Catholic that the Wedding March of Lohengrin is definitely off the list of acceptable sacred music. After all and aside from any ecclesiastical legislation, the question is fundamental. You cannot mix the two, the sacred and the profane, the religious and the secular. People do not come to church to be entertained, but to worship God, to assist at the Holy Sacrifice of the Mass, to receive the Sacraments and to say their prayers. Whenever then, the music rendered in our churches, vocal or instrumental, is worldly and especially operatic in character, devout worshippers are distracted, God's message is impeded and religious fervor is lessened.

For our guidance in the observance of liturgical law and order the opinions and interpretations of rubricists and liturgists are frequently deemed valuable. Diocesan Church Music Commissions that are backed by the authority of the Ordinary are not only helpful but command obedience in their respective dioceses. But the rubrics of the Missal and Ritual with the Decrees of the Congregation of Sacred Rites are to be obeyed in every church and chapel of the Roman rite. This is notably true of the *Motu Proprio* and the Apostolic Constitution on sacred music. These decrees do not represent personal opinion or the statements of any group but the final word and the decisions of the Supreme Authority of the Catholic Church.

In defense of Lohengrin, a recent writer concludes his article by saying: "After all, Our Lord was quite indulgent at Cana of Galilee." It may be well here to conclude by referring to this first miracle of Christ. There are many lessons of profit that may be learned at the wedding of Cana. Here is one of them. The words of Mary to the waiters are noteworthy: " Do whatever He tells you." The waiters complied with Mary's wishes and were rewarded by a miracle. We too will be rewarded and blessed if we will only listen to the official voice of the Church for the same Character that is portrayed in the Gospel is the Character at work in the Church teaching and guiding us aright. " Do whatever He tells you."

G. V. PREDMORE.

Rochester, New York.

Book Reviews

THE PHILOSOPHY OF EDMUND HUSSERL. By E. Parl Welch. Columbia University Press, New York. 1942. Pp. xiii + 337.

Were the author inclined to be facetious he might have subtitled this book, *The Meaning of Unintelligibility,* for even to those inured to heavy philosophical fare phenomenology is no easy nut to crack. Aside from the abstruse nature of the system, there is a double difficulty arising from language. Husserl not only wrote in a highly technical German but also, like many moderns, he insisted on creating his own vocabulary. It is to be expected, therefore, that the experts will question some of Dr. Welch's translations and, perhaps as a result, some of his interpretations.

For a good general notion of an important phase of contemporary thought, however, there is so far nothing in English comparable to this work, which traces the progressive development of a truly great mind from pre- to quasi- and, finally, to full-blown or pure phenomenology. As opposed to those who contend that Husserl's chief contribution is a new philosophical method the author is convinced that it is rather to be found in " a novel epistemology which dissolves the impasse between idealism and realism by going beyond them both ". This is certainly a sweeping claim and one wonders if moderate realism has not already settled the dispute better by going *between,* if not *beyond,* them. Another notable departure is the assertion that *Logical Investigations,* even though admittedly the most influential, is not the most consequential of Husserl's works. It represents his " growing, faltering " period, not his mature fruition.

Husserl's first love was mathematics and like Aristotle and Descartes, on both of whom he had an acknowledged dependence, he was obsessed by the mathematical ideal. His interest in philosophy in general and in psychology in particular was stimulated by his studies under Franz Brentano after he had transferred from Berlin to Vienna. Because of this intellectual kinship there has been considerable discussion concerning the possible continuity of phenomenology with scholasticism. Dr. Welch, in the final section of his book where he answers " Five Questions conerning Phenomenology ", briefly dismisses this " charge " (sic). Here we are reminded of the implicit condemnation contained in Huxley's remark to Lloyd Morgan, " but those are only the old scholastic substantial forms "; and while one may accept the conclusion the evidence adduced neither does full justice to the relationship nor to St. Thomas' theory of knowledge, more specifically to his teaching concerning essences and the different kinds of abstraction. Husserl himself in his *Nachwort* (1930) says that it was Brentano's " conversion of the scholastic concept of intentionality into a descriptive root-concept of psychology that alone made phenomenology possible ".

Despite such seeming defects Dr. Welch deserves our gratitude for a careful, conscientious, and scholarly exposition which sheds lustre on himself by illuminating the dark places of an obscure and complicated philosophy. For those who wish to investigate the subject further he appends a very complete bibliography.

ST. JOHN CAPISTRAN REFORMER. By Rev. John Hofer. Translated by Rev. Patrick Cummins, O.S.B. B. Herder Book Co., St. Louis. 1943. Pp. viii + 411.

The " saint with a heart of stone " finds an excellent biographer in Dr. Hofer, and English readers are indebted to Dom Cummins for an idiomatic, readable translation. The book is scholarly and authoritative, and Dr. Hofer's research has brought to light much hitherto unknown material concerning this great Franciscan friar who was civil lawyer, married man, popular preacher, papal emissary, reformer, and a crusader who saved Belgrade from Turkish invasion.

The prodigious efforts and accomplishments of Capistran made it very easy for him to be misunderstood. Dr. Hofer points out that the Saint was not immune to deception and the credulity of his age, but that prominent contemporaries " paint pictures quite at variance with the harsh and sinister portrait familiar to our times ". Modern historians have stigmatized him as one obsessed by hatred of Jews, but this ignores contemporary Jewish legislation. Dr. Hofer does not insinuate that Capistran's character had no shadows, but he does show that the traits of roughness and heartlessness were put into his picture by the views and sentiments of a far later time. One of Capistran's confreres, displeased by what he considered vainglory in the pulpit, refused to give him absolution although later admitting he had done wrong. The author points out, "... our standards must still be suited to our saints. Christian perfection does not exclude but rather includes personal characteristics."

Dr. Hofer manages to create a contemporary atmosphere and background that helps the reader understand the Saint of Capistrano. It is an excellent example of modern hagiography.

THE CHRISTIAN STATE. By Rev. A. J. Osgniach, O.S.B., Ph.D. Bruce Publishing Co., Milwaukee. 1943. Pp. xix + 356.

The present work is a necessary item in the library of every earnest student of social and political science. It is a thorough and a profound book, a book which advances no new theories of social reform or governmental administration, but which takes squarely into account the statal theories and practices of today, evaluates their good and exposes their evil. The multitudinous confusing problems of today's world are examined separately and fairly, the proponents of various solutions are given just hearings, and decisions are rendered concerning the value of the proferred solutions.

Besides its value as an authoritative work in the field of social science, Father Osgniach's book has a remarkably high value as a permanent reference work. It is broken into short sections each titled according to its subject. A complete index makes this plan very acceptable. Through this arrangement, the student is provided with a descriptive explanation of most of today's social theories, the arguments of their principal supporters, truly philosophical analyses of the ideas and concise applications of suitable Christian principles to the problems.

The Christian State will do more good than even a most sanguine author could hope for—if he can but place it in the hands of the many in today's world who need its wealth of truth.

THE NATURE OF MARTYRDOM. By James E. Sherman, S.T.D. St. Anthony Guild Press, Paterson, N. J. 1942. Pp. xiii + 321.

Rarely does one find in English a theological work so complete and thorough as this well documented treatise, which is a masterly study of the subject with all the essential and incidental questions. In scholarly fashion, Dr. Sherman takes up the etymological and historical notion of 'martyr' as found in Scripture and Tradition and the regard of the early Church for the martyrs. This introductory part is brief but adequate. The discussion on the martyr as witness, and especially the justification of the title martyr for those not Apostles are of value to the dogmatician and the student of Church history. The martyr in every age "gives true, mediate, historical witness of the divine origin of the Christian religion. He is a true, historical witness of Christ and His revelation."

In the second part the author, after a brief introduction treats the final, efficient, formal and material causes, the effects of martyrdom, and the required dispositions. The book closes with a descriptive definition of martyrdom, which sums up the author's conclusions.

Dr. Sherman proceeds with a thorough understanding of the work that preceded him and with a keen and sure theological judgment.

He does not hesitate to differ with the most eminent of the commentators of Aquinas, and his interpretations will command respect. His defence of the doctrine that " actual death is not essential for true martyrdom " is an excellent piece of scholastic reasoning. He takes issue with Cardinal Cajetan, who held that a mortal wound not followed by actual death cannot be the cause of true martyrdom. He proves that one who has suffered for the faith " a wound which of its very nature is lethal or mortal " may be considered a true, though imperfect, martyr, even though " death is averted by a miracle, or by natural causes."

Theologians will find instructive the trenchant defense of the thesis that martyrdom is commanded by an act of habitual charity. Especially will the doctrine on the relation of the various virtues connected with martyrdom be helpful to the student of moral theology. In the treatment of effects and required dispositions, the much discussed question of the obligation to repent of sin is handled with thoroughness and theological exactitude. " If a martyr is in the state of mortal sin, and actually adverts to the fact, he does not fulfill his obligation by merely eliciting an act of supernatural attrition. He must be properly disposed for this heroic work. Therefore, he must have that which gives the ability to perform a heroic supernatural work, namely, the infused habits and gifts of the Holy Spirit, which come with sanctifying grace. He must, therefore, either receive a sacrament of the dead, or when this is impossible, elicit an act of perfect contrition, . . . Consequently the view of Bellarmine, Bonacina, Anacletus, and De Lauria that such a martyr sufficiently fulfills his obligation if he elicits an act of attrition, is false. If, however, while remembering his unforgiven mortal sins, he neglects out of invincible ignorance to elicit an act of formal, perfect contrition, yet has supernatural attrition, this along with martyrdom will effect the remission of sins."

The author follows St. Thomas in answering the question regarding the " resistance " of the soldier in a holy war. Most theologians, however remain unconvinced. Dr. Sherman is at his weakest in his presentation of the argument that the patient acceptance of death after the manner of Christ embraces even the fighting and resisting soldier.

Technical correctness presents an almost insurmountable obstacle to beauty of style and one must bear this fact in mind when reading Dr. Sherman's book. One unused to Latin technical terms will not be lured by any charm of words. Nor are violations of English idiom rare even in such instances where there is no question of theological exactness. Such expressions as " martyrdom is had ", " placing the action ", " undergo sufficient cause for death ", could have been better rendered with no loss in technical correctness.

The *Nature of Martyrdom* is a significant addition to our theology, and may well be considered an authoritative work on the subject.

Book Notes

Poet, critic, sycophant, apparently irresponsible misfit—Charles Baudelaire waited until the last year of his life to acknowledge the Catholicity his clear reasoning told him was true, and waited in vain for his writings to bring him fame and fortune. It was not an easy biography to write, but Edwin Morgan has succeeded in giving a good picture of Baudelaire in his *Flower of Evil.*

The author is more concerned with the externals of Baudelaire's stormy life, his efforts and disappointments, than with his spiritual progress, and there was undoubtedly progress. The reader must try to discover for himself why the poet turned to the crucifix when, shattered and helpless he knew he would not get the acclaim he had craved. Others of his set had sought peace in suicide. Dr. Morgan does give a few examples to show that Baudelaire believed in Catholic principles and was expert in Catholic theology the while he pitifully tried to snatch recognition. It is not a penetrating biography, but it is a very satisfactory popular estimate of the poet. The style is direct, and carries one along rapidly except in a few places where a clumsy construction was not smoothed out. (Sheed & Ward, New York City. 1943. Pp. iv + 179. Frontispiece.)

The Third Series of Ignatian Meditations, *Companion of the Crucified* by Father J. E. Moffatt, S.J., corresponds to the third week of the Spiritual Exercises and offers meditations on the sufferings and death of our Lord. The purpose is to show our Lord's boundless love for us, and to inspire us to be unswervingly faithful and give generously in His service. Those who profited by the other volumes of the series will welcome these meditations. (Bruce Publishing Co., Milwaukee. 1943. Pp. 191.)

The Catholic Action Bookshop of Wichita 2, Kansas, present *The Sacraments* by Rev. Gregory Smith and Charles J. McNeill as part III of *The Divine Love Story.* The material—sixteen chapters on the Sacraments and the Mass—has been prepared for adults, and it is a good text for discussion clubs. The studies are based on the No. 2 *Baltimore Catechism.* (Pp. 56. Price, 25c.)

Rev. Dr. Roger J. Huser's *The Crime of Abortion in Canon Law* outlines the general penal legislation against abortion, and in the commentary discusses what constitutes the crime of abortion, carrying with it the *ipso facto* censure of excommunication and the irregularity arising from the crime, and in the case of clerics the *ferendae sententiae* penalty of deposition.

Dr. Huser advances as a probable opinion that the censure is not incurred if the fetus has attained absolute (technical) viability, but that the irregularity for homicide can be incurred. The essential notion of *procurare* is that the abortion be intended and be a result of the means deliberately used. Craniotomy or other methods of killing the viable fetus *in utero* is not abortion; excommunication is not incurred, but irregularity is involved. Co-operators incur the censure only when their cooperation was necessary for the perpetration of the particular abortion in question. The irregularity is incurred, however, even when thier co-operation was such that the abortion could and would have been perpetrated without their help. *Eiectio foetus immaturi* implies that the foetus be living when the abortion procedure is started, not necessarily that it be alive after delivery.

There is a bit of repetition, but it seems to be for the purpose of emphasis. It is a study that pastors will find of practical value. The usual excellent direction is apparent in this well-written dissertation. (Catholic University Press, Washington. 1942. Pp. xii + 176.)

Written in popular style, Margaret T. Monro's *A Book of Unlikely Saints* presents short studies of St. Aloysius Gonzaga, St. Rose of Lima, St. Benedict Joseph Labre, St. Gemma Galgani and St. Thérèse of Lisieux. In these little biographies emphasis is laid on the necessity of penance, and the author points out that the modern saint is a " brake on men's increasing rejection of God . . . a Saint stands in the way trying to turn men back." The style is brisk, vivid, and *A Book of Unlikely Saints* is likely to find a goodly sized audience. (Longmans, Green & Co., New York City. 1943. Pp. iv + 220.)

Life Together by Wingfield Hope is a book that we suggest every pastor have handy for lending purposes. It can be lent to young people contemplating marriage, but even more valuable will be certain chapters to be prescribed reading for a husband or wife who feels " this is absolutely impossible." There is nothing new in *Life Together,* but the author presents the pattern of the Christian family in modern language, and makes very plain that the Catholic's attitude toward marriage and conduct of it demands a personality imbued with Christ's personality. Those who fail in this Christian ideal and shrink from it will " wander away from it into confusion, inefficiency, defectiveness and parody of the Christian ideal."

In his Foreword, Father Robert Gannon writes, that if published anonymously one would " have jumped to the conclusion that its author was a wise, human old spiritual father who happened to be the mother of a large and interesting family. For it is precisely this blend of usually disparate viewpoints that makes *Life Together* such a different book." This reader agrees with Father Gannon's amusing but penetrating analysis. (Sheed & Ward, New York City. 1943. Pp. viii + 199. Price, $2.50.)

Whence Victory? is a new, revised and enlarged edition of Mary Brabson Littleton's book of the same title which appeared towards the end of World War I. The answer to the question is, From God. Prayer, declares Mrs. Littleton, is a national asset for victory that should and can be utilized, as have been other assets, on a colossal scale. *Whence Victory?* " is a challenge and an appeal: a challenge to our love of America and to our trust in God and an appeal to this love and trust that we register in the Army of Prayer . . . in order that a mighty volume of adoration and appeal may rise to the throne of God and bring to the Allied Nations, victory and lasting peace." Headquarters are at 337 E. 31st St., New York City, and a schedule of prayers recommended for Catholic, Protestant or Jew is sent to those sending a stamped, self-addressed envelope. (The Scapular Press, Sea Isle City. 1943. Pp. 181.)

Father Kilian Hennrich's *The Better Life* is a new and important contribution to tertianism. Directors as well as members of the Third Orders will find a great deal of inspirational material in this volume. Father Hennrich presents the Third Order in the light of the sacraments. His purpose is to remove the difficulties of those who do not appreciate tertiary life by an adequate exposition of the dogmatical or theological side of the Third Order.

Tertiarism the author insists is a way of life, having for its objective a more conscientious observance of the baptismal vows and greater progress in personal perfection. Father Hennrich's book is a masterpiece of its kind, and will undoubtedly be the Tertiary's Book of the Year. (Joseph F. Wagner, Inc., New York City. 1943. Pp. vii + 326.)

The author of *The Screwtape Letters,* C. S. Lewis of Magdalen College, has issued an American edition of ten broadcasts he delivered in London, under the title *The Case for Christianity.* Dr. Lewis, who was an " unbeliever " but is now a Church of England man, first discusses the contrast between right and wrong and the necessity for the moral law. " There's nothing indulgent about the Moral Law. It's as hard as nails. It tells you to do the straight thing and it doesn't seem to care how painful, or dangerous, or difficult it is to do." The second part takes up the beliefs shared by all Christians.

Mr. Lewis writes clearly, argues logically, and has a talent for picturesque expression and illustration that makes the addresses very enjoyable reading. The English army *padres,* whom *News-*

week reported had difficulty answering soldiers' questions, might do well to consult Mr. Lewis. (The Macmillan Company, New York. Pp. 60.)

As part of Notre Dame University's Centenary observance, Father Charles M. Carey, C.S.C. has compiled and edited *The Collected Poems of Charles L. O'Donnell*. The verse of the President of Notre Dame, who was not yet fifty years of age when he died in 1934, was particularly appreciated by priests. Many of our readers will be pleased to learn that his poems have now been collected into one volume. (The University Press, Notre Dame, Indiana. Pp. xiii + 249.)

Miss Rosalie Marie Levy has written down short paragraphs from the counsels and spiritual directions of the late Father Paul Conniff, S.J., and published them as *Stepping Stones to Sanctity*. The thoughts will appeal particularly to religious and lay women. (Privately printed by the author at New York City. Pp. ix + 117. Price, $1.00.)

Books Received

GILBERT KEITH CHESTERTON. By Maisie Ward. Sheed & Ward, New York City. 1943. Pp. xv + 685. Price, $4.50.

ST. JOHN CAPISTRAN REFORMER. By John Hofer. Translated by Dom Patrick Cummins. B. Herder Book Co., St. Louis. 1943. Pp. viii + 411. Price, $4.00.

FLOWER OF EVIL. A Life of Charles Baudelaire. By Edwin Morgan. Sheed & Ward, New York. 1943. Pp. v + 179. Price, $3.00.

THE CRIME OF ABORTION IN CANON LAW. By Rev. Roger J. Huser, O.F.M. Catholic University Press, Washington. 1942. Pp. ix + 176.

HER GLIMMERING TAPERS. By Louis J. Stancourt. The Macmillan Company, New York. 1943. Pp. vii + 180. Price, $2.00.

FROM THE MORNING WATCH. By Lucille Papin Borden. The Macmillan Company, New York. 1943. Pp. ix + 213. Price, $2.50.

COMPANION OF THE CRUCIFIED. Series III. By J. E. Moffatt, S.J. Bruce Publishing Co., Milwaukee. 1943. Pp. 191. Price, $1.75.

THE WHITE CANONS OF ST. NORBERT. A History of the Premonstratensian Order in the British Isles and America. By Cornelius J. Kirkfleet, O.Praem. St. Norbert Abbey, West De Pere, Wis. 1943. Pp. xxvi + 307. Price, $2.50.

THE WAR AGAINST GOD. Edited and with an Introduction by Carl Carmer. Henry Holt & Company, New York. 1943. Pp. xiii + 261. Price, $2.75.

THE MINISTER OF BAPTISM. By Rev. Joseph F. Waldron, J.C.D. School of Canon Law, Catholic University, Washington. 1942. Pp. xii + 206.

THE CASE FOR CHRISTIANITY. By C. S. Lewis. The Macmillan Company, New York. 1943. Pp. v + 56. Price, $1.00.

LIFE TOGETHER. By Wingfield Hope. Introduction by Rev. Robert I. Gannon, S.J. Sheed & Ward, New York. 1943. Pp. viii + 199. Price, $2.50.

WHENCE VICTORY? By Mary B. Littleton. Scapular Press, Sea Isle City, N. J. 1943. Pp. 181. Price, $2.00.

THE NORTH AMERICAN INDIAN TODAY. Edited by C. T. Loran and T. F. McIlwraith. University of Toronto Press, Toronto, Canada. 1943. Pp. xi + 361. Price, $3.00.

THE COLLECTED POEMS OF CHARLES L. O'DONNELL. Compiled and edited by Charles M. Carey, C.S.C. The University Press, Notre Dame, Ind. Pp. xiii + 249.

THE BETTER LIFE. The True Meaning of Tertiarism. By Kilian J. Hennrich, O.F.M.Cap. Joseph F. Wagner, Inc., New York. 1943. Pp. vii + 326.

A BOOK OF UNLIKELY SAINTS. By Margaret T. Monroe. Longmans, Green & Co., New York City. 1943. Pp. iv + 220. Price, $2.50.

HOUSE OF BREAD. A Catholic Journey. By C. J. Eustace. Longmans, Green & Co., New York City. 1943. Pp. x + 159. Price, $2.25.

STEPPING STONES TO SANCTITY. By Rosalie Marie Levy. Privately Printed by Author, Box 158, Station O, New York City. Pp. x + 117. Price, $1.00.

THE PHILOSOPHY OF THOMAS JEFFERSON. By Adrienne Koch. Columbia University Press, New York. 1943. Pp. xiv + 208. Price, $2.50.

SAINT TERESA OF AVILA. By William Thomas Walsh. Bruce Publishing Co., Milwaukee. 1943. Pp. xii + 592. Price, $5.00.

PAMPHLETS

A Guide for Confession. By Rev. Henry Frank. Our Sunday Visitor Press, Huntington, Ind. Pp. 40.

Mysticism in Modern Psychology. By Charles Carlé, Ph.D. Psycho-Sociological Press, New York 27, N. Y. 1943. Pp. 47. Price, $1.00.

Jobs and Security for Tomorrow. By Maxwell S. Stewart. Public Affairs Committee, Inc., New York City. 1943. Pp. 30. Price, 10c.

Our Lady of Fatima. Queen of the Most Holy Rosary. Benedictine Convent of Perpetual Adoration, Clyde, Missouri. Pp. 64. Price, 10c.

ADMONITIONS CONCERNING MARRIAGE. By Paul Blase. Mark Publishing Co., Box 6806, Cleveland. Pp. 22. Price, 10c.

THE MOST BLESSED SACRAMENT. By Rev. John A. Marencovick. Privately printed by the Author at Buffalo, N. Y. Pp. 17.

"THE CASE WORKER AND FAMILY PLANNING AN ANSWER". National Catholic Welfare Conference, Washington. Pp. 16.

DESTROYING AMERICA. An Open Letter on the Ravages of Birth Control to the editors of The Readers Digest. National Catholic Welfare Conference, Washington. Pp. 8.